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WORKFORCE INVESTMENT ACT

Labor Has Taken
Several Actions to
Facilitate Access to
One-Stops for Persons
with Disabilities, but
These Efforts May Not
Be Sufficient





Highlights of [GAO-05-54](#), a report to congressional requesters

Why GAO Did This Study

The Workforce Investment Act (WIA) of 1998 includes provisions intended to ensure that people with disabilities have equal opportunity to participate in and benefit from the programs and activities offered through one-stop career centers (one-stops). But little is known, and questions have been raised, about how well this system is working for persons with disabilities. This report examines (1) what the Department of Labor (Labor), states, and the one-stops have done to facilitate comprehensive access to the WIA one-stop system; (2) the various relationships that the one-stops have established with disability-related agencies to provide services to persons with disabilities; (3) what Labor has done to ensure that the one-stops are meeting the comprehensive access requirements, and the factors that have affected efforts to ensure compliance; and (4) what is known about the employment outcomes of persons with disabilities who use the one-stop system.

What GAO Recommends

GAO recommends that Labor develop and implement a long-term plan for ensuring that the one-stops comply with the comprehensive access requirements. In developing such a plan, Labor should use the expertise of staff from CRC, ETA, and ODEP. Labor generally agreed with our recommendation and said that even more could be done to ensure comprehensive access within the one-stop system.

www.gao.gov/cgi-bin/getrpt?GAO-05-54.

To view the full product, including the scope and methodology, click on the link above. For more information, contact Sigurd Nilsen at (202) 512-7215 or nilsens@gao.gov.

WORKFORCE INVESTMENT ACT

Labor Has Taken Several Actions to Facilitate Access to One-Stops for Persons with Disabilities, but These Efforts May Not Be Sufficient

What GAO Found

Labor has awarded grants to facilitate comprehensive access, which is defined in this report as providing people with disabilities the equal opportunity to participate in and benefit from the programs, activities, and/or employment offered by the WIA one-stop system. States and local areas have used these grants for a range of efforts, including increasing staff capacity to provide services to persons with disabilities. During our site visits to 18 local areas and one-stops, we found that officials at most sites were working to implement architectural access requirements. Moreover, local areas and one-stops varied in the degree to which they had addressed other areas of comprehensive access. For example, a few sites had only begun to acquire assistive technology devices; other sites had assistive technology and had trained some or all of their staff in how to use it.

One-stops have established various relationships to provide services to persons with disabilities. The structure of the one-stops' relationships with state vocational rehabilitation (VR) programs varied, as did the extent to which they have formed relationships with disability-related service providers other than VR. A few local areas and one-stops primarily formed relationships with VR, while others had also formed relationships with community-based disability organizations.

Although Labor has taken several actions to ensure comprehensive access to one-stops, these efforts may not be sufficient. Labor's Employment and Training Administration (ETA), Civil Rights Center (CRC), and Office of Disability Employment Policy (ODEP) have issued guidance and assistance on the regulatory requirements. CRC also has conducted on-site reviews at local areas and one-stops in two large metropolitan areas in two states. In both areas, CRC identified instances of noncompliance with these requirements. Reviews in two other states will be completed during fiscal year 2005, but Labor has not developed a long-range plan for how it will carry out its oversight and enforcement responsibilities beyond 2005. To date, CRC's monitoring and enforcement efforts account for less than 2 percent of the total number of local areas and one-stops nationwide. The CRC Director stated that she had not yet determined whether CRC would conduct additional on-site reviews.

The information that Labor publishes on employment outcomes for people with disabilities is limited for a variety of reasons. Disclosure about disability status is voluntary, thus the information about employment outcomes may be misleading. The collection of information on the employment outcomes of WIA participants is limited to those who are registered for services, and one-stops are not required to register customers who participate in self-service or informational activities. The performance measurement system may result in customers being denied services because local areas may be reluctant to provide WIA-funded services to job seekers who may be less likely to find employment.

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Abbreviations

ADAAG	Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities
CRC	Civil Rights Center
ETA	Employment and Training Administration
EO	equal opportunity
HUD	Department of Housing and Urban Development
JTPA	Job Training Partnership Act
MOA	Methods of Administration
ODEP	Office of Disability Employment Policy
SSA	Social Security Administration
TDD	telecommunications device for the deaf
TTY	text telephone
UFAS	Uniform Federal Accessibility Standards
VR	Vocational Rehabilitation
WIA	Workforce Investment Act
WIG	Work Incentive Grant

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United States Government Accountability Office
Washington, DC 20548

December 14, 2004

The Honorable Judd Gregg, Chairman
Committee on Health, Education, Labor, and Pensions
United States Senate

The Honorable Edward M. Kennedy
Ranking Minority Member
Committee on Health, Education, Labor, and Pensions
United States Senate

The Honorable Tom Harkin
United States Senate

The ability to engage in productive employment is the cornerstone of the American workforce system, and the programs and services provided through the Workforce Investment Act (WIA) of 1998 are intended for persons with and without disabilities. WIA unifies previously fragmented employment and training programs and creates a more comprehensive workforce investment system by bringing together over \$15 billion of federally funded programs into a single service delivery system—the one-stop center system. WIA requires about 17 programs to provide services through the one-stop system, including the Department of Education’s Vocational Rehabilitation (VR) program, which provides services to eligible individuals with disabilities. The Department of Labor (Labor) is responsible for providing general leadership and guidance to the one-stop system. Within Labor, the Civil Rights Center (CRC) and the Employment and Training Administration (ETA) each have a role in ensuring that people with disabilities can participate in and benefit from the programs and services provided through the one-stop system. Additionally, Labor’s Office of Disability Employment Policy (ODEP) has a role in increasing employment opportunities for people with disabilities.

Section 188 of WIA, among other things, prohibits discrimination on the basis of disability with respect to the programs funded or otherwise financially assisted under WIA. Labor’s regulations implementing WIA Section 188 include specific provisions intended to ensure that persons with mobility, mental health, hearing, vision, speech, cognitive, or other impairments have equal opportunity to participate in or be employed by the programs and activities offered through the one-stop system. These regulations encompass provisions that oblige recipients of WIA financial

assistance to take positive actions to provide people with disabilities the equal opportunity to participate in and benefit from the programs, activities, and/or employment offered by the one-stop system. For the purpose of this report, we use the term *comprehensive access* when referring to these requirements. These requirements include actions such as providing architectural access, program accessibility, reasonable accommodations or modifications, service delivery in integrated settings, and effective communication. Labor's regulations also include provisions prohibiting covered recipients of federal financial assistance from taking discriminatory actions that exclude people with disabilities from participating in the programs, activities, or employment offered by the one-stop career center system, and provisions requiring recipients to establish the administrative structure that CRC views as necessary in order to ensure nondiscrimination and equal opportunity for members of all groups protected by Section 188 of WIA.

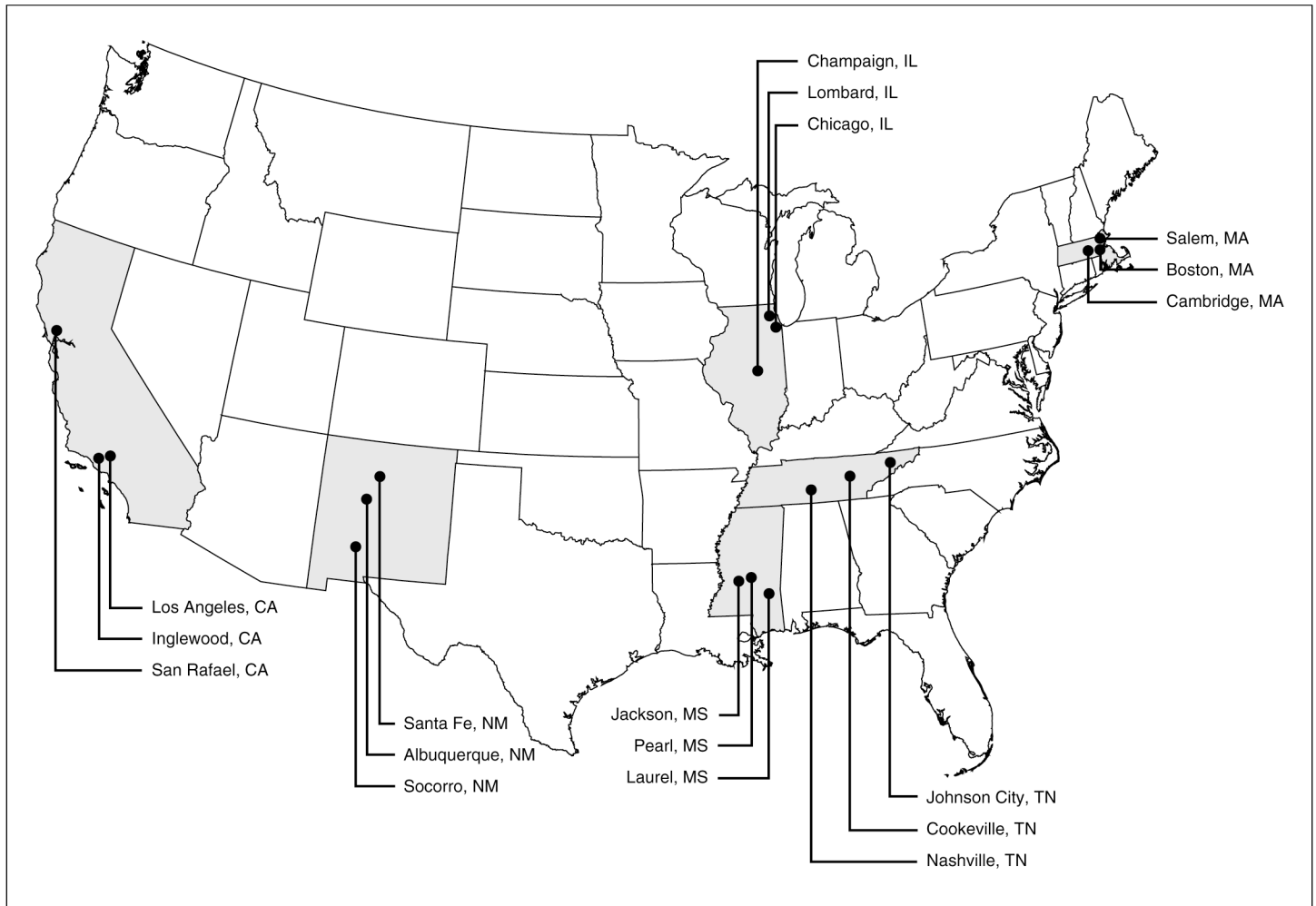
Despite the requirements contained in these provisions, little is known about how well the one-stop system is working for people with disabilities. As a result, you asked us to examine (1) what Labor, states, and the one-stop centers have done to facilitate comprehensive access to the WIA one-stop system; (2) the various relationships that the one-stop centers have established with disability-related agencies to provide services to persons with disabilities; (3) what Labor has done to ensure that the one-stop centers are meeting the comprehensive access requirements, and the factors that have affected efforts to ensure compliance; and (4) what is known about the employment outcomes of persons with disabilities who use the one-stop system.

To address these issues, we interviewed officials at Labor, and we conducted document reviews of Labor's Work Incentive Grants (WIG) and the Disability Program Navigator (Navigator) grants.¹ The Work Incentive Grants are designed to enhance the employment and career advancement of people with disabilities. The Navigator grants are intended to increase employment and self-sufficiency of people with disabilities. We used information obtained from these grants to help select which states, local

¹The WIG and Navigator grants do not represent all of Labor's grants for disability-related activities. For example, the Office of Disability Employment Policy (ODEP) also provides grants for serving customers with disabilities in the WIA one-stop system, including grants that focus on providing customized employment strategies to create opportunities for individuals with disabilities and improving school-to-work transition outcomes for youth with disabilities.

areas, and full-service one-stop career centers (one-stops) to visit. We selected these states on the basis of geographical dispersion, as well as whether they received one or more types of grants, if any. We conducted site visits to six states—California, Illinois, Massachusetts, Mississippi, New Mexico, and Tennessee. We visited three local workforce investment areas (local areas) and associated one-stop centers in each of these states. After discussions with WIA officials within the six states, we selected the local areas and one-stop centers to obtain both urban and suburban centers and, where possible, one-stop centers in small towns or rural areas. Figure 1 shows the 18 locations we visited. At the local workforce investment area and one-stop centers, we interviewed WIA officials, one-stop staff, and officials from organizations representing people with disabilities about issues and practices for providing programs, services, and activities to individuals with disabilities. Additionally, we reviewed relevant documents from Labor, as well as the WIA statute and regulations and other relevant statutory and regulatory provisions.

Figure 1: GAO Site Visits to Local Areas and One-Stop Centers



Source: GAO site visits.

While WIA and its implementing regulations require that persons with disabilities can use the one-stop facilities and participate in and benefit from the system's programs, activities, and services, we did not assess the extent to which the approximately 1,900 one-stops, located in about 600 local areas nationwide, meet the comprehensive access requirements. Determining whether a particular site meets architectural access standards is fairly straightforward, but this is not the case with determining whether other comprehensive access requirements have been met. While many of the elements of these requirements, such as provision

of assistive technology devices, are described in existing regulations, the regulations allow one-stops to use a variety of methods to meet the requirements. Because there is no one list of methods that covers all paths to comprehensive accessibility, it is a complex and resource-intensive task to determine whether the comprehensive access requirements have been met. Determining whether a single one-stop center is in compliance with these requirements requires both on-site observations of the facility and its equipment, as well as extensive document reviews and interviews with one-stop staff. Determining whether one-stops are in compliance with comprehensive access requirements on a nationwide basis was beyond the scope of this study.

We conducted our work between September 2003 and October 2004 in accordance with generally accepted government auditing standards.

Results in Brief

Labor has awarded grants to facilitate comprehensive access to employment and training programs for persons with disabilities, and local areas and one-stop centers have also made numerous efforts, as well as various degrees of progress, in facilitating comprehensive access to their programs and services. Specifically, Labor's Employment and Training Administration has awarded states and local entities over 100 grants totaling \$80 million for disability-related activities, such as enhancing comprehensive access to the one-stops. States and local areas have used these grants for a range of efforts, including assessing one-stop architectural accessibility, acquiring assistive technology devices, and increasing staff capacity to provide services to persons with disabilities. During our site visits to 18 local areas and their one-stops, we found that officials in most sites were working to implement architectural access requirements. Some of these officials told us that they had made at least some changes to improve architectural access. For example, some changes included installing signage and electric door openers. However, we found that the local areas and one-stops we visited varied in the degree to which they had addressed other comprehensive access concerns. For example, a few sites had only begun to acquire assistive technology devices, while other sites had assistive technology devices and had trained some or all of their staff in how to use them.

One-stops, VR, and other disability-related agencies in the community have established various relationships to provide services to persons with disabilities. From our site visits, we found that the structure of the one-stop centers' relationships with VR varied, particularly in terms of whether co-location was occurring. While most of the one-stops we visited had VR

staff on-site at least part of the time, four of the sites we visited had no on-site VR staff. Officials from the sites at which full- or part-time co-location of VR staff was taking place said that co-location was beneficial because, among other reasons, it helped the one-stop staff provide faster and less fragmented services to persons with disabilities. For those locations at which VR was not on-site, officials told us that there were a variety of reasons for this, such as a lack of space in the one-stop. The one-stop centers we visited also varied in terms of the extent to which they formed relationships with disability-related service providers other than VR. In a few cases, local areas and one-stops primarily formed relationships with VR. However, other local areas and one-stops we visited had also formed relationships with one or more disability-related organizations in the community, such as independent living centers, mental health agencies, and cognitive/developmental disability agencies. Officials from local areas and their one-stops, as well as those from VR and community disability agencies, cited a range of benefits to being able to refer their customers to one another for services, when it was appropriate to do so. For example, some local area and one-stop officials said the one-stop's relationship with VR allowed the two agencies to combine their resources to maximize the services they can provide to their customers.

Labor has taken several actions to ensure comprehensive access to one-stops by persons with disabilities, but these efforts may not be sufficient. For instance, Labor has not only funded grants, it has also provided training in ways to facilitate comprehensive access in the one-stop centers. Further, within Labor, CRC, along with ETA and ODEP, has provided guidance and assistance to one-stops on accommodations and other comprehensive access requirements. In addition, CRC has responsibility for interpreting, monitoring, and enforcing WIA's statutory and regulatory nondiscrimination, comprehensive access, and administrative provisions. One key method Labor uses to ensure adherence to these provisions has been to require that each state's governor sign a plan, known as the Methods of Administration (MOA), that describes the policies, procedures, and systems that each state has established to ensure adherence with WIA's statutory and regulatory requirements. In addition, in 2003, CRC completed its first phase of on-site reviews at local workforce areas and one-stops in two large metropolitan areas in two states, Miami/Dade County, Florida, and New York City, New York. In both metropolitan areas it reviewed, CRC identified instances of noncompliance with WIA's comprehensive access and other requirements, including the existence of barriers limiting services to persons with disabilities. On the basis of its findings, CRC required the two states to provide it with written responses of the corrective actions they planned to make. Further, in May 2004, the

CRC Director requested that all states complete, for themselves and their largest local area, a self-assessment tool to assess compliance with the requirements of WIA Section 188 and its implementing regulations. CRC anticipates using the information provided by the on-site reviews and self-assessments to identify exemplary practices as well as areas needing improvement. Although Labor has taken actions to address the comprehensive access and other requirements for persons with disabilities, these efforts may not be sufficient to ensure one-stop system compliance. For instance, although CRC plans to complete on-site reviews in two other large metropolitan areas in two states during fiscal year 2005, it has not developed a long-range plan that describes how it will carry out its oversight and enforcement responsibilities beyond 2005. Currently, the CRC reviews that have been completed, or are in process, represent less than 2 percent of the local areas and one-stop centers nationwide. At the time of our review, the CRC Director said that she had not yet determined whether CRC would conduct additional on-site reviews.

Information about the employment outcomes of persons with disabilities is limited by the extent to which disability data are collected and overall data collection methods under WIA. Although Labor publishes some information on employment outcomes for people with disabilities in areas such as job placement, employment retention, earnings change, and skill attainment for the WIA-funded programs, this information is limited for several reasons. One reason is that the information Labor publishes on the employment outcomes of persons with disabilities is limited to the subpopulation of persons with disabilities who disclose their disability status, and therefore the employment outcomes may be misleading for the total population of persons with disabilities receiving services through WIA. Labor has issued guidance stating that one-stops must inquire about disability status from job seekers upon registration for services. Such inquiries must be asked of all job seekers, but an individual's decision to disclose his or her disability status must be completely voluntary. Further, the collection of employment outcome information on WIA participants, including information on individuals with disabilities, is limited to those individuals who are registered for services. Current law does not require that one-stops register job seekers who receive services that are self-service and informational in nature, and thus they are not included in the performance measures. Finally, the performance measurement system developed under WIA may result in the denial of services to some customers because performance levels are tied to incentives and sanctions depending on whether states meet these levels. Consequently, local areas may be reluctant to provide WIA-funded services to job seekers, including persons with disabilities, in situations in which the persons may be

unlikely to find employment or experience an increase in earnings when placed in jobs. In a prior report, we recommended that Labor develop a systematic method to account for different populations and local economic conditions when negotiating performance levels.² Labor agreed with the importance of taking economic conditions and characteristics of the population into account when setting performance expectations and has commissioned a study to address this issue.

To improve comprehensive access for persons with disabilities to the one-stop system, we recommend that Labor develop and implement a long-term plan for ensuring that the one-stop system complies with the comprehensive access requirements for persons with disabilities. In developing such a strategy, Labor should utilize the expertise of CRC, ETA, and ODEP staff. In commenting on the draft of this report, Labor generally agreed with our recommendation and said that even more could be done to ensure comprehensive access within the one-stop system.

Background

The Workforce Investment Act of 1998 requires states and localities to bring together about 17 federally funded employment and training services into a single system—the one-stop system. Funded through four federal agencies, these programs, also known as the mandatory partner programs (or more simply, mandatory partners),³ are to provide services through a statewide network of one-stop career centers. (See table 1.)

²GAO, *Workforce Investment Act: States and Local Areas Have Developed Strategies to Assess Performance, but Labor Could Do More to Help*. [GAO-04-657](#) (Washington, D.C.: June 1, 2004).

³Co-location of the mandatory partners at the one-stop center is not required. Labor has stated that under WIA, one-stop operations can range from coordination, co-location, and integration.

Table 1: WIA’s Mandatory One-Stop Partner Programs and Related Federal Agencies

Federal Agency	Mandatory One-Stop Partner Program
Department of Labor^a	WIA Adult
	WIA Dislocated Worker
	WIA Youth
	Employment Service (Wagner-Peyser)
	Trade Adjustment Assistance Programs
	Veterans’ Employment and Training Programs
	Unemployment Insurance
	Job Corps
	Welfare-to-Work Grant-Funded Programs
	Senior Community Service Employment Program
	Employment and Training for Migrant and Seasonal Farm Workers
	Employment and Training for Native Americans
	Department of Education
Adult Education and Literacy	
Vocational Education (Perkins Act)	
Department of Health and Human Services	Community Services Block Grant
Department of Housing and Urban Development (HUD)	HUD-administered Employment and Training

Source: GAO-04-657.

^aLabor’s Employment and Training Administration (ETA), in collaboration with the partner programs, provides general leadership and guidance to the one-stop system.

Three of these 17 programs, which were created and funded by Title I of WIA to provide services to adults, dislocated workers, and youth, replace those previously funded under the Job Training Partnership Act (JTPA). The Department of Labor distributes funds for these three programs to the states, and the states in turn distribute funds to designated local areas within the states based on formulas prescribed by WIA. WIA also established performance measures that states and localities must track in order to demonstrate the programs’ effectiveness. The performance

measures primarily focus on entered employment rates, employment retention rates, earnings changes, and credential rates.⁴

WIA programs provide for three levels of services for adults and dislocated workers: core, intensive, and training. Core services include basic services such as job search and labor market information. These activities may be self-service or may require some staff assistance. Intensive services include such activities as comprehensive assessment and case management, which require greater staff involvement. Training services include such activities as occupational skills training or on-the-job training.

WIA requires the establishment of workforce investment boards at the state level and in local areas. The state boards are responsible for a number of functions, including the development and improvement of the statewide workforce investment system and the designation of local areas. The state board assists in the preparation of the state plan and the annual report, both of which are submitted to the Secretary of Labor. The local workforce investment board sets policy for the local area, and its specific duties include developing a comprehensive 5-year local plan and selecting one-stop operators.

WIA contains a number of provisions to ensure that individuals with disabilities are adequately served. The most important of these provisions is Section 188, which prohibits any program or activity funded or otherwise financially assisted in whole or part under WIA from discriminating on the basis of disability as well as race, color, religion, sex, national origin, age, or political affiliation or belief.⁵

⁴For more information on WIA's performance measures, see [GAO-04-657](#) and GAO, *Workforce Investment Act: Improvements Needed in Performance Measures to Provide a More Accurate Picture of WIA's Effectiveness*. [GAO-02-275](#) (Washington, D.C.: February 1, 2002).

⁵For WIA beneficiaries only, Section 188 also prohibits discrimination on the basis of an individual's status as a citizen or national of the United States, or as an individual lawfully authorized to work in the United States, or on the basis of participation in any WIA Title I financially assisted program or activity.

To help states and local areas implement the Section 188 provisions, the Department of Labor issued interim final regulations in November 1999.⁶ These regulations, which have the force of law, describe requirements for the recipients of financial assistance under WIA Title I, and for programs and activities operated by the one-stop partners as part of the one-stop system.⁷ The regulations also identify how recipients will be held accountable for ensuring nondiscrimination and equal opportunity for individuals with disabilities.

The WIA Section 188 regulations contain certain provisions that prohibit recipients of WIA financial assistance from taking certain discriminatory actions. For example, recipients must not:

- provide significant assistance to a person or entity that discriminates in providing any aid, benefits, services, or training to registrants, applicants, or participants;
- make a selection for the site or location of a facility that has a discriminatory effect; or
- impose or apply eligibility criteria that screen out or tend to screen out individuals with disabilities, unless such criteria are necessary for the provision of the aid, benefit, service, training, program, or activity being offered.

Further, WIA Section 188 regulations contain provisions that oblige recipients to take certain positive actions to provide comprehensive access to WIA programs and services. For example, these regulations require some recipients of WIA financial assistance—those who are in facilities or parts of facilities that are constructed or altered on their behalf—to make those facilities architecturally accessible. In contrast, recipients of WIA financial assistance who are in unaltered existing facilities are not necessarily required to make those facilities

⁶See 64 Fed. Reg. 61692. These regulations are found at 29 CFR Part 37 and incorporate, by reference, certain portions of the regulations implementing Section 504 of the Rehabilitation Act of 1973, as amended, pertaining to employment practices and employment-related training, architectural and program accessibility and reasonable accommodation.

⁷WIA Section 188 regulations apply to programs and activities that are conducted as part of the one-stop system and operated by one-stop partners, regardless of the source of the financial assistance for such programs and activities.

architecturally accessible, but are subject to other requirements for accessibility, known as program access, which specify that a recipient must operate each service, program, or activity so that it, when viewed in its entirety, is readily accessible to and usable by individuals with disabilities. Recipients of WIA financial assistance do not have to make each of their existing facilities or every part of an existing facility accessible to and usable by individuals with disabilities, and can satisfy the accessibility requirements for existing facilities by redesigning equipment, reassigning services to accessible buildings, assigning aides to beneficiaries, and providing home visits, among other options.

As part of providing comprehensive access, WIA Section 188 regulations require recipients of WIA financial assistance to take a number of additional actions when administering their programs or activities. Under these provisions, recipients must:

- take steps to ensure that communications with individuals with disabilities are as effective as communications with others, including providing appropriate auxiliary aids and services where necessary;
- provide reasonable accommodation to qualified individuals with disabilities who are applicants, registrants, or eligible applicants/registrants for, or participants in, employees of, or applicants for, employment with their programs and activities, unless providing the accommodation would cause undue hardship;⁸
- make reasonable modifications in policies, practices, or procedures, unless making the modifications would fundamentally alter the nature of the service, program, or activity;
- provide the most integrated setting appropriate to the needs of qualified individuals with disabilities; and

⁸In the one-stop context, the term *reasonable accommodation* can include making existing facilities accessible; restructuring a program, service, or training, or the way in which it is provided; part-time or modified training schedules; making appropriate adjustments or modifications to examinations, training materials, or policies; acquiring or modifying equipment and devices; and providing qualified readers and interpreters, among other possible actions. One-stops and other recipients are required to make a requested accommodation unless providing it would create an undue hardship for them, which is defined as “significant difficulty or expense,” when considered in light of a list of specified factors. The WIA Section 188 regulations also require one-stops to make reasonable modifications to their policies, practices, or procedures for persons with disabilities unless making the modification would fundamentally alter the nature of the program or activity.

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- take appropriate steps, such as advertising and marketing, to ensure that they are providing universal access to their WIA financially assisted programs and activities.

The regulations also require recipients of WIA financial assistance to establish an administrative structure so that they ensure compliance with WIA's nondiscrimination and equal opportunity provisions. Each recipient, except small recipients⁹ and service providers, must designate an equal opportunity (EO) officer who is responsible for ensuring that the recipient complies with Section 188 regulations. EO officers' responsibilities include:

- monitoring and investigating activities by recipients of WIA financial assistance to ensure that they do not violate WIA Section 188 regulations,
- reviewing written policies to ensure that those policies are nondiscriminatory, and
- developing and publishing the recipient's procedures for processing discrimination complaints.

Recipients of WIA financial assistance must also provide written notification that they do not discriminate on the basis of disability or on other prohibited bases. This notification must be placed prominently in the facility and distributed through other means. In addition, recipients of WIA financial assistance must collect and maintain data necessary to allow Labor to determine whether the recipient is complying with Section 188 of WIA and the implementing regulations. The Director of Labor's Civil Rights Center determines which data are necessary.

Under WIA Section 188 regulations, the governor of each state is responsible for, among other things:

- oversight of all WIA financially assisted state programs,
- ensuring compliance with WIA Section 188 and its implementing regulations, and

⁹A small recipient is one that serves a total of fewer than 15 beneficiaries during a grant year and employs fewer than 15 employees on any given day in that year.

-
- negotiating with recipients to secure voluntary compliance when noncompliance is found.

Moreover, both the Governor and the recipient of WIA financial assistance are liable for all violations of Section 188 unless the Governor has, among other things, established, signed, and adhered to an MOA.¹⁰ The MOA must be in writing and describe how the state programs and recipients of WIA financial assistance have satisfied the requirements of certain regulatory provisions, including those regarding people with disabilities.

In addition, the Director of Labor's CRC has oversight responsibilities under the Section 188 regulations, which include:

- conducting compliance reviews,
- reviewing the activities of a governor, including the adequacy of the MOA, and
- investigating and resolving complaints alleging violations of Section 188.

As part of its oversight responsibility, CRC, with assistance from ETA and ODEP, issued a compliance checklist on July 25, 2003, to ensure nondiscrimination and equal opportunity to persons with disabilities participating in WIA programs and activities. This checklist, officially known as the WIA Section 188 Disability Checklist,¹¹ identifies the regulations implementing Section 188 of WIA, including portions of the regulations implementing Section 504 of the Rehabilitation Act, and covers requirements applicable to local area grant recipients regarding the operation of their programs and activities. The checklist is based on the elements required by the MOA and includes lists of questions for each element of the MOA. For some of the elements, the questions are followed by examples of concrete actions that can be taken to ensure compliance with Section 188 requirements. The appendix to the Checklist also

¹⁰In order to be exempt from liability for Section 188 violations, the governor must also enter into a written contract with the recipient outlining the recipient's obligations under Section 188, act with due diligence to monitor the recipient's compliance with those provisions, and take prompt and appropriate corrective action to affect compliance.

¹¹The WIA Section 188 Checklist is located at <http://www.dol.gov/oasam/programs/crc/section188.htm>.

includes additional examples of policies, procedures, and other steps that local area grant recipients can take to ensure compliance with Section 188.

Labor, Local Areas, and One-Stops Have Made Various Efforts and Degrees of Progress in Facilitating Access

Labor has awarded grants to facilitate comprehensive access to employment and training programs for persons with disabilities, and local areas and one-stop centers have also made numerous efforts, as well as various degrees of progress, in facilitating comprehensive access to their programs and services. Specifically, ETA has awarded over 100 grants to states and local entities for disability-related activities, such as enhancing comprehensive access to the one-stops. States and local areas have used these grants for a range of efforts, including assessing one-stop architectural accessibility, acquiring assistive technology devices, and increasing staff capacity to provide services to persons with disabilities.

Federal Grants Have Provided Funding to Facilitate One-Stop Accessibility

Between 2000 and 2004, ETA awarded state and local entities a total of approximately \$65 million in competitive Work Incentive Grants in order to enhance one-stops' capacity to provide programs and services to persons with disabilities, which included improving one-stop accessibility. ETA awarded 113 grants in four rounds between 2000 and 2004. (See table 2.)

Table 2: Work Incentive Grants: 2000, 2002, 2003, and 2004

Work Incentive Grants	Total number of grants awarded	Total amount of grants awarded^a	States in which grants were awarded^b
First round (2000)	23	\$20 million	Alaska, California, Florida, Illinois, Indiana, Iowa, Louisiana, Maine, Maryland, Massachusetts, Michigan, Missouri, Montana, New Hampshire, New Mexico, Ohio, Oregon, Pennsylvania, Rhode Island, Tennessee, Texas, Vermont, Washington
Second round (2002)	23	\$20 million	California, Colorado, Connecticut, Florida, Hawaii, Illinois, Indiana, Kansas, Kentucky, Massachusetts, Minnesota, Missouri, New York, North Carolina, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Virginia, Washington, West Virginia, Wisconsin
Third round (2003)	42	\$17 million	Arizona, Arkansas, California, DC, Florida, Georgia, Hawaii, Illinois, Indiana, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New Mexico, New York, North Carolina, Oklahoma, Oregon, Pennsylvania, Tennessee, Texas, Utah, Washington, West Virginia
Fourth round (2004)	25	\$8 million	Alabama, Arkansas, California, Connecticut, Florida, Indiana, Kentucky, Maine, Michigan, Missouri, Montana, New Jersey, New York, North Carolina, Ohio, Tennessee, Texas, Virginia, Washington
Total	113^c	\$65 million	

Source: GAO analysis of Labor's Work Incentive Grant information.

^aThe Work Incentive Grants are funded through Labor's annual appropriation.

^bGrants could either be statewide in scope, meaning that they covered all local areas throughout the state, or local, meaning that they covered a designated region within a state (such as a specific local area). Although we are classifying grants by their state affiliation, this does not necessarily indicate that all local areas throughout the state benefited from the funds.

^cIn the first and second rounds, only one grant was awarded within each state that received a grant. In the third and fourth rounds, more than one grant was awarded within some states.

On the basis of its experience administering the first two rounds of grants, ETA has targeted its specific grant objectives—and, therefore, its resources—to meet the emerging needs that states, local areas, and one-stops have identified in providing programs and services to persons with disabilities. ETA's objectives for the early rounds of grants were relatively broad, and as a result, grantees were permitted to use the funds to undertake a range of activities, including:

- assessing one-stops' architectural accessibility;
- acquiring assistive technology devices;
- conducting outreach to the disability community;

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- linking and coordinating with community disability-related agencies, such as community mental health agencies and independent living centers;
 - training existing one-stop staff on disability issues; and
 - making available staff who have the experience, knowledge, and skills necessary to address a broad range of disability-related issues.

By the third round of grants, in 2003, ETA had begun to focus its priorities more narrowly—though not exclusively—on increasing the capacity of one-stop staff to provide services to persons with disabilities. According to the third round grant notice, previous grantees had found that building staff capacity was successful in improving overall service delivery in their one-stops. ETA officials said that although they believe that building staff capacity will enhance one-stops' progress toward making their services available to persons with disabilities, they recognize that some one-stops may also still need to address other issues, such as meeting the architectural access requirements. In addition to targeting their grant objectives, ETA officials said they plan to change the process by which they award grants. ETA used a competitive process to award all four rounds of grants, and as a result, according to ETA officials, some states or local areas that needed grants may not have received them.¹² ETA officials said they plan to use a different process in the future, which would allow them to target funding toward specific areas, such as states that did not receive grants in the first four rounds and/or states where they would like to intensify current grant activities.

ETA, in conjunction with the Social Security Administration (SSA), which administers employment support programs for its disability beneficiaries, has provided approximately \$24 million to fund a demonstration project focused on the establishment and training of one-stop Disability Program Navigators.¹³ The Navigators' role is to address the needs of persons with disabilities seeking to use the one-stop system. Since July 2003, Navigator

¹²Through this competitive process, an ETA technical review panel chose grantees by evaluating their applications against specified criteria (such as a statement of need). ETA officials explained that some applicants, such as those who were less adept at writing applications that met technical review standards, may not have received grants even though they needed them.

¹³Of the \$24 million in funds, Labor contributed approximately \$15 million and SSA contributed \$9 million.

grants have been awarded in a total of 17 states.¹⁴ At the time of our review, this initiative had led to 221 Disability Program Navigators working in or with one-stops in those states. As designed by ETA and SSA, in collaboration with ODEP, Navigators are to provide expertise and serve as a resource to one-stops as well as persons with disabilities. ETA and SSA expected that Navigators would, in part, carry out many of the same types of accessibility-related activities that were funded under the initial Work Incentive Grants. The third and fourth rounds of the Work Incentive Grants have led to the hiring of staff who can perform functions similar to those of a Navigator. At the time of our review, 122 Navigator-like staff had been established through the Work Incentive Grants. Eleven of the sites we visited had either Disability Program Navigators or Work Incentive Grant Navigators. Some of the Navigators we interviewed told us they had the following job responsibilities:

- providing disability-related staff training;
- helping staff locate resources for specific persons with disabilities, such as accommodations or services in the community;
- developing relationships with disability-related service providers, such as VR and other community agencies; and
- helping to ensure the accessibility of the one-stop, such as by conducting accessibility assessments or developing accessibility plans.

Local Areas and One-Stops Have Made Efforts to Facilitate Access to the One-Stops' Services, but Progress Has Varied

During our site visits, we found that local areas and one-stop centers had made various efforts and degrees of progress in facilitating comprehensive access to the one-stops' programs and services. Specifically, we found the following:

Architectural access. Our site visits showed that most local area and one-stop officials were working to implement architectural access standards, which are required by the WIA Section 188 regulations. Nearly all of the sites we visited had undergone at least one architectural

¹⁴In July 2003, ETA and SSA's Office of Program Development and Research awarded Navigator grants to 14 states: Arizona, California, Colorado, Delaware, Florida, Illinois, Iowa, Maryland, Massachusetts, New York, Oklahoma, South Carolina, Vermont, and Wisconsin. ETA and SSA have since awarded Navigator grants to Mississippi, New Mexico, and Oregon. All 17 of these states were chosen for this effort because SSA has employment support initiatives in these locations.

accessibility assessment within the last few years, and the assessments were typically conducted by VR or other disability-related agencies. Our review of these assessments showed that there were often considerable differences in the degree of architectural access that the locations had achieved. For example, some of the sites had either no or few problems with regard to architectural access. Other locations had a number of access-related problems, including those related to parking, ramps, and doors, as well as restrooms and signage. Some officials at these locations told us they had made at least some changes to improve architectural access. For example, some changes included:

- adding or changing accessible parking spaces to meet requirements;
- installing signage or changing existing signage to meet requirements;
- building a new exterior ramp because the existing one did not meet architectural access requirements; and
- installing electric door openers.¹⁵

Auxiliary aids and services. Many of the one-stops we visited had acquired auxiliary aids and services, such as assistive technology and materials in alternate formats, which the WIA Section 188 regulations require that one-stops provide to persons with disabilities when necessary. Auxiliary aids and services include a range of devices, equipment, and services that provide effective communication for persons with various types of impairments. According to ETA, the auxiliary aids and services requirement covers any method of communication, including verbal, written, computer-based, or telephone communications. Assistive technology refers to products or equipment that can be used to help people with disabilities perform their major life functions. Some types of assistive technology can be used to make existing information technology, including computers and telephones, available to persons with disabilities. Alternate formats can, for instance, make written or visual materials available to persons with visual impairments or make oral information available to persons with hearing impairments. Table 3 describes selected

¹⁵Electric door openers are not required by either the Uniform Federal Accessibility Standards (UFAS) or the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities (ADAAG). However, officials from some sites said that their lack of electric doors was an accessibility concern.

types of auxiliary aids and services that were available in some of the one-stops we visited.

Table 3: Selected Types of Auxiliary Aids and Services

Type	Purpose	Examples of impairments for which the aid or service may be beneficial
Screen reading software	Software programs that present text as speech	Visual impairments Cognitive impairments
Screen magnification software	Software that can increase the size of characters on a computer screen	Visual impairments
Closed-circuit television/video magnifier	Electronically magnifies printed text and displays it on a monitor	Visual impairments
Speech recognition software	Software programs that allow users to give commands and enter information using speech rather than a mouse or keyboard	Visual impairments Mobility impairments Cognitive impairments
Large-screen computer monitors	Increases character size in proportion to computer monitor dimensions	Visual impairments
Trackball mouse	An alternative to a standard mouse, this mouse has movable balls on top of a base that can be used to move the cursor on screen	Mobility impairments
Alternative keyboards	Those with larger or smaller than standard keys or keyboards, alternative key configurations, keyboards for use with one hand, and others	Mobility impairments
TTY (text telephone)/TDD (telecommunications device for the deaf)	Device that lets people with hearing or speech impairments use the telephone to communicate, by allowing them to type messages back and forth to one another instead of talking and listening	Hearing impairments Speech impairments
Other assistive listening devices	Devices that amplify sound in specific listening situations (e.g., watching television, using the telephone), while also reducing the effects of background noise	Hearing impairments Cognitive impairments
Alternate formats	Presenting print or visual materials in Braille or large print, on audiotape, or on compact disk	Visual impairments Cognitive impairments
	Presenting spoken information in writing	Hearing impairments Cognitive impairments

Source: GAO summary of information collected through site visits and from access guides.

At the time of our site visits, a few one-stops had either recently installed assistive technology for the first time or were still in the process of acquiring it. However, other sites had assistive technology, and some or all of the staff had already received training in how to use it. Some of these sites offered a range of devices, which could assist many types of impairments. Given the wide variety of devices available, some local areas and one-stops targeted their resources, at least initially, toward items that might be used frequently. For example, one local area—working with an

agency that had assistive technology expertise—collected data on the types of impairments that were most prevalent among potential customers and then used these data to determine which devices to purchase first. In addition, a couple of officials said that their one-stops had some materials, such as basic orientation materials, routinely available in Braille or large-print formats. Some officials told us that they did not have any of their materials routinely available in alternate formats, although they would provide these to customers upon request. In some cases, officials said that they could rapidly provide customers with certain types of alternate formats, such as Braille, large print, computer diskette, or compact disk, through the use of their assistive technology or computers.

Reasonable accommodations. Some officials and staff we interviewed said they try to make reasonable accommodations for persons with disabilities. Reasonable accommodations, which are required by the WIA Section 188 regulations, enable persons with disabilities to receive aid, benefits, services, or training equal to that provided to persons without disabilities. For example, a number of officials and staff mentioned that although they did not have a qualified American Sign Language interpreter on-site at their one-stops, they have obtained an interpreter upon a customer's request.¹⁶ However, during our site visits, we also found that local area and one-stops' policies and procedures for providing reasonable accommodations varied. For example, officials from a few local areas and one-stops said they referred to their state workforce agency's or their local government's policies for guidance on this issue. A few officials said that they had developed their own local accommodation policies or procedures, or planned to do so. For example, one local area developed written policies and procedures that provided information on how customers should request an accommodation, which staff could assist in providing a reasonable accommodation, and which staff were responsible for determining if the one-stop is able to provide the accommodation. In addition, some officials told us that when they have received accommodation requests, they have not maintained records on the types of accommodations requested or whether the one-stop provided these accommodations. However, in at least one of the local areas we visited,

¹⁶A reasonable accommodation may require making specific structural or other modifications, including the provision of auxiliary aids and services such as sign language interpreters, telephone amplifiers, or alternate formats, to meet the specific needs of a particular customer with a disability. Accommodations are generally provided only after an individual with a disability requests it, as opposed to being available up front.

the local equal opportunity officer—who addressed all accommodation requests—said that he maintained records on this information.

Integrated settings. During our site visits, we found variation in viewpoints regarding the practice of automatically referring persons with disabilities to VR for services.¹⁷ Even though agencies such as VR could provide services to persons with disabilities, the WIA Section 188 regulations require that one-stops allow persons with disabilities the opportunity to receive services in the most integrated setting appropriate to meet their needs. An integrated setting is one that enables persons with disabilities to interact with persons without disabilities. Although a referral to VR may be appropriate for some individuals, automatically referring all persons with disabilities to VR does not allow for the opportunity to receive services along with persons without disabilities. Moreover, an automatic referral to VR does not provide customers with an individualized assessment of their abilities and needs.

Some local area and one-stop officials we interviewed acknowledged that automatic referrals to VR did occur in the past. However, a number of officials and staff understood that this practice is not appropriate, or said that it is not currently occurring in their one-stops. Some of these officials and staff said that services for persons with disabilities are determined on a case-by-case basis and that unless these individuals want or indicate that they need VR services, they are not referred to VR. Some WIA officials, as well as a few VR officials and others who have provided staff training on disability issues, explained that one-stop staff have been trained not to automatically refer persons with disabilities to VR. For example, staff were trained not to stereotype persons with disabilities or assume that they need VR services, or were trained to provide these customers with a choice regarding which services they use.

However, during our site visits, officials in two local areas told us that they currently found it preferable or necessary to automatically refer persons with disabilities to VR. Officials from one local area stated that while a disability-related agency advised them that one-stop staff should not be automatically referring persons with disabilities to VR, they took exception to this guidance. The local area officials explained that it would

¹⁷Individuals with disabilities who are eligible for VR services are those persons who have a physical or mental impairment that, for an such individual, constitutes or results in a substantial impediment to employment, and who can benefit in terms of an employment outcome from vocational rehabilitation services.

be irresponsible of them not to fully utilize the expertise of the only mandatory disability partner in the WIA system. Officials from another local area said that although their long-term goal is to train one-stop staff to work directly with persons with disabilities, they believe that their one-stop staff are currently referring these customers to VR. Additionally, some WIA, VR, and disability-related agency officials also expressed concerns that trying to meet performance standards could provide an incentive for one-stops to automatically refer persons with disabilities to VR, only serve those with the least severe disabilities, or not serve them at all. Some officials explained that it is sometimes more difficult for persons with disabilities, particularly those with more severe disabilities, to find and retain jobs, and that it is often more costly for the one-stop to serve these individuals.

Marketing and outreach. Some officials and staff we interviewed cited a variety of reasons why marketing the one-stops' services and conducting outreach to persons with disabilities, which are activities required by the WIA Section 188 regulations, may be important. One of the reasons cited was that many individuals in the community, including those with disabilities, were still not aware of the types of programs and services that one-stops offer. For example, a one-stop official said that one-stops are often thought of as an employment service, without recognition that they can offer participants education, referrals to disability-related agencies for services, and other assistance. Some WIA officials and disability-related agency representatives also said that even when the disability community knows what the one-stops offer, the one-stops often have to overcome the belief that one-stops do not want to, or are not capable of, providing services to persons with disabilities. For example, the disability community may believe that the one-stops do not have assistive technology or provide other assistance to persons with disabilities. Additionally, some officials also stated that they believe that persons with disabilities are still more likely to seek services from disability-related organizations than from one-stops.

Some of the officials from local areas and one-stops that had engaged in marketing and outreach efforts said they had used one or more community-based disability organizations in their efforts. For example, local areas or one-stops sometimes approached independent living centers, agencies that serve individuals with specific types of disabilities, or other organizations to inform them about the one-stops' services and their accessible technology. Some officials also said they used brochures, television or radio ads, billboards, or other means to market their services to persons with disabilities. Other local area and one-stop officials told us

about the specialized techniques they used, such as holding a yearly job fair for persons with disabilities, which provides attendees with information about one-stop services.

Officials in a few local areas and one-stops, however, stated that they were hesitant to market their services to persons with disabilities. For example, one local area official was not confident about the ability of some one-stop staff to handle disability issues and, as a result, did not want to market what the one-stops in the area could not provide. An official in another local area expressed a similar viewpoint with regard to the lack of marketing around an assistive technology device that had not been used. The official stated that the local area had not advertised the device because he did not believe the one-stops in that area were fully capable of providing services to persons with disabilities.

Staff training. Although the WIA Section 188 regulations do not specifically require that one-stop staff, other than the equal opportunity officer and his or her staff, receive training on disability, the WIA Section 188 Checklist includes training as one example of how one-stops can ensure compliance with WIA’s comprehensive access requirements. One-stop staff in the majority of the local areas we visited had received some disability-related information and training, but the range of topics covered varied across sites. For example, officials in at least one local area told us that they were still focusing on providing staff with disability awareness training, while officials, staff, and staff training providers in other locations described a wider range of training topics, such as:

- disability awareness or sensitivity training;¹⁸
- types of services that VR provides, and the agency’s eligibility rules and criteria;
- types of disability-related agencies in the community, as well as who they serve, the types of services they offer, and their contact information;

¹⁸Disability awareness or sensitivity training teaches one-stop staff, for example, to use people-first language—such as “an individual with a disability” as opposed to “the disabled.” It may also include education on how to interact with persons with disabilities, such as asking if an individual needs assistance first rather than automatically providing it or speaking directly to a person who is deaf instead of speaking to the person’s sign language interpreter.

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- how to identify certain disabilities, including hidden disabilities such as mental illness or learning disabilities; and
 - WIA Section 188 training.

We also found that a few local areas and one-stops created comprehensive training programs or targeted their training to identified staff needs. For example, one local area created an extensive disability-training program that provides online and in-class training on a range of relevant disability-related issues and discusses these issues in the context of particular disabilities. This training program has been made available on a statewide basis. Also, in one state, staff at the three one-stops we visited had undergone, or were scheduled to undergo, an assessment of their training needs. These assessments were then going to be used to develop training plans for each of these one-stops.

Some officials and staff stated that the available disability-related staff training was beneficial and provided positive outcomes. For example, some officials and staff said that the available training made staff more comfortable interacting with, and providing services to, persons with disabilities and helped them learn about the range of disability-related services that VR and other agencies in the community offer. However, other officials and staff expressed some concerns about the available training. For example, a few of these officials and staff said that they would like training on specific disability-related topics to be available, and in at least one case, local area and one-stop officials had concerns about how well their limited training prepared staff for providing services to persons with disabilities. Additionally, some of the officials, staff, and staff training providers we interviewed said that their training efforts were affected by high staff turnover and the prospect of staff forgetting the information learned in training if it is not used very often. Some officials, staff, and staff training providers said that offering ongoing training was important for these reasons or that they would like ongoing training to be available in their one-stops.

One-Stops and Disability Agencies Have Established Various Relationships to Serve Persons with Disabilities

One-stops, VR, and other disability-related agencies in the community have formed various relationships to provide services to persons with disabilities. From our site visits, we found that the structure of the one-stops' relationships with VR varied, particularly in terms of whether co-location was occurring. While most of the one-stops we visited had VR staff on-site at least part of the time, four of the sites we visited had no on-site VR staff. Table 4 shows the co-location status of VR staff at the one-stops we visited.

Table 4: Co-location Status of VR Staff in the One-Stops We Visited

Co-location status of VR staff	Number of sites
One or more VR staff on-site on a full-time basis	5
One or more VR staff on-site on a part-time basis	9
No VR staff on-site	4

Source: GAO site visits.

Officials from the sites at which full- or part-time co-location of VR staff was taking place said that co-location was beneficial for a variety of reasons. For example, some WIA and VR officials said that co-location itself helped the one-stop staff provide faster and less fragmented services to persons with disabilities because, when the one-stop staff made referrals to VR, they did not have to send customers off-site. A few officials also stated that co-location facilitated information sharing and helped build relationships between the staff in the two agencies. The reasons for VR staff not being on-site also varied, and included a lack of space in the one-stop, the inability of VR to break its lease at an existing local office, and lack of an interface between the one-stops' and VR's computer systems.

The one-stops we visited also varied in terms of the extent to which they formed relationships with disability-related service providers other than VR. Although VR has extensive expertise in providing services to persons with disabilities, other disability agencies in the community also have expertise and resources that can benefit one-stops. At the time of our site visits, a few local areas and one-stops were relying primarily on VR and had not formed working relationships with any other disability agencies. However, other local areas and one-stops we visited had formed relationships with one or more disability-related organizations in the community, such as independent living centers, mental health agencies,

and cognitive/developmental disability agencies.¹⁹ In at least one instance, a local area formed relationships with agencies that focus on particular impairments. This local area conducted a needs analysis and found that relationships with organizations that provide services to persons with psychiatric impairments, learning disabilities, and substance abuse issues were lacking. As a result, the local area conducted outreach to these types of organizations in order to initiate relationships with them.

Officials from local areas and their one-stops, as well as those from VR and community disability agencies, cited a range of benefits to being able to refer their customers to one another for services, when it was appropriate to do so. For example, some WIA and VR officials said the one-stop's relationship with VR allowed the two agencies to combine their resources to maximize the services they can provide to their customers. For example, for co-enrolled customers, one agency might pay for school tuition while another pays for books. Some local area and one-stop officials also said that referring customers to VR and other community disability agencies is beneficial because those agencies have the ability and funding to provide certain services that the one-stops cannot. In addition, officials in some local areas and one-stops said that VR and other community agencies' willingness to conduct staff training, provide one-stop accessibility assessments, or participate in one-stop access committees was beneficial.

VR and community disability agencies also cited a number of benefits to referring their customers to the one-stops, including access to the one-stops' career resource centers' computers and telephones, their workshop or training classes (such as those for computer skills, interview skills, and résumé-writing), and a range of job listings and employer connections broader than their own. VR officials also cited other benefits. For example, when a VR customer is faced with delayed services because VR is waiting for documents substantiating the customer's disability, the one-stops can provide other services in the interim. Additionally, VR officials told us they find it useful to refer individuals who did not qualify for services through

¹⁹These community-based disability organizations typically did not co-locate their staff at the one-stops on either a full-time or a part-time basis. However, there were some exceptions—such as, for example, in cases in which the disability-related agencies were the sole or co-operators of a one-stop.

VR, whether because of limited funding²⁰ or other reason, to the one-stop for services.

Labor Has Taken Actions to Ensure That One-Stops Comply with Access Requirements, but These Efforts May Not Be Sufficient

Labor has taken several actions to ensure that persons with disabilities have comprehensive access to one-stops, including training, monitoring, and enforcement activities, but these efforts may not be sufficient. For example, Labor has not only funded grants, it has also provided training in ways to facilitate comprehensive accessibility in the one-stop centers. Specifically, within Labor, ETA and ODEP, along with SSA, provided Disability Program Navigator training in November 2003 in which successful approaches to ensuring comprehensive access to one-stops were discussed. Additional Disability Program Navigator training was provided in November 2004. Further, CRC, with assistance from ETA and ODEP has provided written guidance and assistance to one-stops on accommodations and other ways to improve comprehensive access for persons with disabilities. Also within Labor, CRC conducts national equal opportunity training annually. Its August 2004 training included topics such as new EO officer orientation, implementing an MOA, ensuring compliance with WIA Section 188, testing and assessment tools for improving services to persons with disabilities, and train-the-trainer EO training.

In addition to providing training, CRC is the entity responsible for interpreting, monitoring, and enforcing WIA Section 188 regulations regarding programs receiving financial assistance from Labor, including the applicable comprehensive access and administrative regulatory requirements for one-stop centers. One key method Labor uses to ensure compliance with these regulations has been to require that each state's governor establish and sign an MOA, which describes and contains supporting documentation of the policies, procedures, and systems that each state has established to ensure compliance. By signing the MOA, and submitting it to CRC, the governor agrees to adhere to its provisions. CRC provides guidance on preparing the MOA, reviews the adequacy of each state MOA submitted, and approves those MOAs that meet its standards. Currently, all governors have submitted MOAs that have been approved by CRC. After initial approval, states are to notify CRC of any updates to their

²⁰In states where VR funding is not sufficient to serve all eligible clients, there may be an order of selection in place, whereby VR is able to accept only those individuals with the most significant disabilities who could benefit from VR services. Of the states we visited, only one was not under an order of selection for the general disability population.

MOAs, and every 2 years Labor requires states to review them and the manner in which they have been implemented, and determine whether their MOAs continue to be effective in ensuring compliance with the requirements of WIA Section 188 and its implementing regulations.

In addition, CRC monitors states' compliance with the nondiscrimination, comprehensive access, and administrative regulatory requirements by conducting on-site technical assistance compliance reviews at selected locations. To facilitate the review process, CRC conducts a 2- to 3-day training session for state, local workforce investment area, and one-stop center staff.²¹ In 2003, CRC completed its first phase of on-site training, technical assistance, and compliance reviews in two large metropolitan areas in two states, Miami/Dade County, Florida, and New York, New York. According to Labor's 2003 Annual Report, CRC focuses its reviews on large metropolitan areas so as to maximize the use of its resources. The annual report notes that the large labor markets in these areas provide the opportunity for gaining a representative picture of the degree of compliance with nondiscrimination and equal opportunity laws and regulations.

In both metropolitan areas it reviewed, CRC identified instances of noncompliance, including the existence of barriers limiting services to persons with disabilities. At one of the two metropolitan areas, CRC found significant differences between the disability-related requirements in WIA Section 188 and its implementing regulations and the policies, procedures, and systems that were actually being used. For example, CRC found that the local area had developed a service delivery system in which customers with disabilities were routinely being served by programs or activities that were separate from those used to serve customers without disabilities. Officials at the local area told CRC such a service delivery system had developed in part because there was a general sentiment among disability-related service providers that many of their customers did not feel comfortable in the one-stops. The WIA Section 188 regulations, however, require that services to qualified persons with disabilities be provided in the most integrated settings appropriate to the needs of those customers. Therefore, as noted in CRC's review, a one-stop center generally should not refer customers with disabilities to a separate program or activity until

²¹In addition to CRC staff, presenters at the sessions included staff from ETA and ODEP, as well as representatives of the United States Access Board, and the Job Accommodation Network.

after it has conducted an individualized assessment of a customer's needs, and determined that the channels used to serve customers without disabilities cannot provide equally effective aid, benefits, services, or training to persons with disabilities. In addition, the ultimate decision whether to accept the referral to a separate program or activity must be left up to the customer with a disability. If the customer declines to accept the referral, the one-stop must serve the customer with a disability through the same programs or activities used to serve all other customers.

In addition, CRC found that the EO officer at the local area in that metropolitan area had not been provided with sufficient staff, other resources, or adequate support from top management to carry out his duties. As a result, staff at the local workforce investment area and one-stops had little understanding of their disability-related or other obligations under WIA Section 188 regulations.

At the other metropolitan area reviewed, CRC found that some of the policies, procedures, and systems in the state's approved MOA had not been fully implemented. For instance, the local workforce investment area had developed an intake eligibility form for use by the one-stops that included questions concerning whether or not the customer had a disability that was or was not a substantial barrier to employment. Frontline staff at the one-stop centers told CRC that all customers were welcome to use self-service and core services. However, CRC found that customers who indicated on the intake form that they had a disability could not receive intensive or training services unless they provided the one-stop with documentation to support their disability, even when disability was not an eligibility criterion to receive such services. CRC found that the use of the intake form, combined with the requirement that customers provide documentation of their disability, unnecessarily screened out people with disabilities from receiving intensive and training services, even though Labor's WIA Section 188 regulations require that the one-stops must not deny any qualified person with a disability the opportunity to participate in, or benefit from, a WIA-funded program or activity because of that person's disability. On the basis of its findings, CRC required the state entities responsible for WIA in which the two metropolitan areas were located to provide it with written responses of the corrective actions they planned to make.

In addition, in May 2004, the CRC Director requested that all states complete, for themselves and their largest local area, a self-assessment tool to assess compliance with the equal opportunity and nondiscrimination laws and regulations. The self-assessment tool, which

provides a structured approach for monitoring compliance, was adapted from the WIA Section 188 Disability Checklist. For each state and its largest local workforce investment area, the self-assessment tool asks whether or not each measure of compliance has been met. For all unmet measures, the self-assessment tool asks for a written explanation of how and when the measure will be met. At the time of our review, CRC was in the process of developing a plan to analyze the qualitative responses they would receive from the states. CRC anticipates using the information provided by these self-assessments and from its on-site reviews to identify exemplary practices as well as areas needing improvement.

In addition to the two on-site reviews CRC conducted in 2003, CRC is in the process of conducting two additional reviews in two large metropolitan areas in two other states, which it plans to complete during fiscal year 2005. To date the monitoring and enforcement efforts that have been or are being conducted account for less than 2 percent of the total number of local areas and one-stops nationwide. Moreover, the CRC Director said that she had not yet determined whether CRC would conduct additional on-site reviews. Limited staff and competing work priorities may hinder CRC's ability to conduct additional reviews. The Director noted that CRC has experienced an erosion in the number of staff since 1998, and she did not foresee any change to this trend in the future. The 44 professional and administrative staff that CRC currently has are responsible for not only all issues involving discrimination in one-stops and other Labor-funded programs, but also for all discrimination issues involving the more than 17,000 employees at Labor. Moreover, the Director explained that these staff are also responsible for addressing other workload priorities, such as issues to improve access to programs and activities for persons who are limited in their English proficiency.

Information on Employment Outcomes Is Limited

Information about the employment outcomes of persons with disabilities is limited by the extent to which disability data are collected and the overall methods used for collecting data for WIA's performance measures. The three WIA-funded programs—Adult, Dislocated Worker, and Youth—have performance measures established under WIA that states must track and report in order to demonstrate the effectiveness of the programs. These performance measures gauge program results in such areas as job placement, employment retention, earnings changes, and skill attainment. In addition to providing information about all participants in the three WIA-funded programs, Labor also publishes outcome information about certain subpopulations, including veterans, older individuals, and persons with disabilities.

The information Labor publishes on the employment outcomes of persons with disabilities, however, is limited for several reasons. One reason is that the information is limited to the subpopulation of persons with disabilities who disclose their disability status, and therefore the employment outcomes may be misleading for the total population of persons with disabilities receiving services through WIA. The WIA Section 188 regulations require one-stops to collect, maintain, and report job seekers' demographic data—including disability status—to ensure that discrimination is not occurring. Labor has issued guidance stating that one-stops must inquire about disability status from job seekers upon registration for services. Such inquiries must be asked of all job seekers, but an individual's decision to disclose his or her disability status must be completely voluntary. Even though an individual declines to indicate his or her disability status, the one-stop must still provide services to the individual.

Further, the collection of information on employment outcomes, including the information on persons with disabilities, is limited to those persons who are registered for WIA services. Current law does not require job seekers who receive services that are self-service and informational in nature to be included in the performance measures. Labor's guidance instructs states to register and report on adults and dislocated workers who receive core services that require significant staff assistance designed to help with job seeking or acquiring occupational skills, but states have flexibility in deciding what constitutes significant staff assistance.²² We have previously reported that most of the one-stop customers who participate in self-directed services, and receive only limited staff assistance, are estimated to be the largest proportion of job seekers under WIA.²³ But since they are not registered for services, they are excluded from the employment outcome data published by Labor. In that report, we also noted that Labor said that it is developing a new reporting system that would enable states to report activity and outcomes for all WIA participants. According to Labor, tracking all one-stop job seekers will enable officials to obtain information about who is served, what services

²²All youth who receive WIA-financially assisted services are required to be registered.

²³[GAO-04-657](#).

are provided, which partner programs provided the services, and what outcomes are achieved.²⁴

Finally, the performance measurement system developed under WIA may have a negative effect on the economic outcomes of some people with disabilities because the performance levels may provide a disincentive to serve certain clients, including those with disabilities. Under WIA, performance levels are tied to incentives and sanctions so that states can be financially rewarded if they meet them or penalized if they do not. As such, local areas may be reluctant to provide WIA-funded services to job seekers, including persons with disabilities, who may be less likely than others to find employment or experience an increase in earnings when they are placed in jobs. To address this issue, we recently recommended that the Secretary of Labor develop an adjustment model or other systematic method to account for different populations and local economic conditions when negotiating performance levels.²⁵ In commenting on our recommendation, Labor agreed with the importance of taking economic conditions and characteristics of the population into account when setting performance expectations and had commissioned a study of adjustment models that could better take these differences into account.

Conclusions

The WIA one-stop system's ability to provide comprehensive access to its programs, services, and activities can affect whether, and how, individuals with disabilities participate in the American workforce. Although Labor has developed specific regulations requiring that people with disabilities have equal opportunity to participate in and benefit from the programs and services offered in the WIA one-stop system, its efforts to date may not be sufficient to ensure that result. Five years after Labor issued regulations implementing the nondiscrimination and equal opportunity provisions of WIA Section 188, the agency has yet to develop and implement a long-term plan for ensuring that the one-stop system complies with the comprehensive access requirements for persons with disabilities. Although CRC, ETA and ODEP have worked together on some comprehensive

²⁴In addition, on July 16, 2004, Labor published a notice in the *Federal Register* on a proposal to collect additional information on the types of impairments that one-stop customers have, including learning disabilities, visual, hearing, and speech impairments, and cognitive and psychological impairments. Labor believes that collecting information on impairment types will facilitate its ability to focus on, and evaluate its effectiveness in, servicing people with disabilities through the one-stop system.

²⁵[GAO-04-657](#).

access projects, they have not developed an overall plan to conduct the activities necessary to ensure comprehensive access to one-stops for all Americans.

Recommendation

To improve comprehensive access for persons with disabilities to the one-stop system, we recommend that Labor develop and implement a long-term plan for ensuring that the one-stop system complies with the comprehensive access requirements for people with disabilities. Moreover, in this era of constrained resources, Labor should utilize the expertise of CRC, ETA, and ODEP staff in developing such a plan.

Agency Comments

We provided a draft of this report to the Departments of Labor and Education for their review and comments. Education did not have comments on our report.

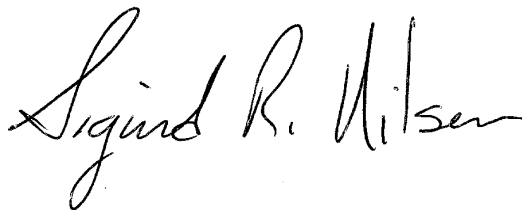
Labor generally agreed with our recommendation and said that even more could be done to ensure comprehensive access within the one-stop system. Specifically, ETA has pledged to work with ODEP and CRC to develop and implement a long-term plan for addressing comprehensive access in the one-stop system. ETA also suggested that the development of such a long-term plan should include all of the participating agencies and programs. Moreover, ODEP stated that the comprehensive plan should also address nonspecialized disability supports and services, such as transportation.

ODEP and CRC also provided us with some general comments on our report. ODEP noted that, in addition to the WIG and Navigator grants, Labor supports other efforts to facilitate the inclusion of people with disabilities in the one-stop system. Although our report focuses on those grants that are most directly related to facilitating comprehensive access in the one-stop system, we have added examples of some of the types of grants that ODEP has awarded to support employment-related initiatives for people with disabilities. In addition, CRC asked us to clarify our use of the term *comprehensive access*. CRC expressed some concern that we had included administrative requirements in the use of the term *comprehensive access*. CRC believed that administrative requirements should not be included as they are not specifically disability-related. We have modified the language in our report to clarify that the administrative requirements are not included in the term *comprehensive access*.

ETA, ODEP, and CRC also provided us with technical comments and clarifications, which we have incorporated as appropriate. Copies of their comments appear in appendix I.

We are sending copies of this report to the Secretary of Labor, the Secretary of Education, relevant congressional committees, and others who are interested. Copies will also be made available to others upon request. The report will be available on GAO's Web site at <http://www.gao.gov>.

Please contact me on (202) 512-7215 if you or your staff have any questions about this report. Other major contributors to this report are listed in appendix II.



Sigurd R. Nilsen
Director, Education, Workforce
and Income Security Issues

Appendix I: Comments from the Department of Labor

U.S. Department of Labor

Assistant Secretary for
Employment and Training
Washington, D.C. 20210



NOV 23 2004

Mr. Sigurd R. Nilsen
Director
Education, Workforce, and Income Security Issues
U.S. Government Accountability Office
441 G. Street, N.W.
Washington, D.C. 20548

Dear Mr. Nilsen:

The Employment and Training Administration (ETA) is in receipt of the draft Government Accountability Office (GAO) report entitled, "Workforce Investment Act: Labor Has Taken Several Actions to Facilitate Access to One-Stops for Persons with Disabilities, but These Efforts May Not Be Sufficient" (GAO-05-54). Since the enactment of the Workforce Investment Act (WIA), ETA has worked to ensure that individuals with disabilities are provided with access, reasonable accommodations, and effective communication in the One-Stop Career Center system. While good progress has been made, we acknowledge that more work remains to be done.

We support the report's recommendation that the U.S. Department of Labor should develop and implement a long-term plan for ensuring that the One-Stop Career Center system complies with comprehensive access requirements for people with disabilities. In fact, we would argue that it does not go far enough. While it is ETA's role to provide policy leadership to the One-Stop system, the system is comprised of many Federal partner programs which work together to provide a network of coordinated workforce services. A comprehensive long-term plan for addressing comprehensive service requirements in the One-Stop system should be developed by all of the participating agencies and programs. ETA will work with the Department of Labor's Civil Rights Center and the Office of Disability Employment Policy (ODEP) to develop such a plan, and will also include our partners at the U.S. Department of Education and the Social Security Administration.

Be assured that efforts to promote integrated and coordinated planning are already underway. ETA has taken the lead in establishing a federal Inter-Agency Coordinating Forum for People with Disabilities in the Workforce. This group has begun meeting regularly under ETA's leadership, to examine federal policy guidance for the development of a strategic, comprehensive plan to achieve One-Stop accessibility and a coordinated approach to promote employment of individuals with disabilities.

The Coordinating Forum provides the opportunity for Assistant Secretary-level participation in the development of such a plan, and includes the Department of

**Appendix I: Comments from the Department
of Labor**

Administration, Disability and Income Support Programs; the Department of Labor, Veterans' Employment and Training Service, ODEP and ETA. This group is just beginning to formulate ideas and a strategy; however the result of our efforts will be similar to what you are recommending as an outcome.

It is also important to mention the work that is being done at the state and local level through our investments in Work Incentive Grants and the Disability Program Navigator Initiative which will continue to improve the quality of the One-Stop system. These efforts are designed to ensure that individuals with disabilities have access to a broad range of services and information through One-Stop Career Centers. In addition, the Administration's WIA Reauthorization proposal contains several provisions that would strengthen the One-Stop system's capacity to service individuals with disabilities.

Enclosed are ETA's technical comments on the draft report. If you would like additional information, please do not hesitate to call me at (202) 693-2700.

Sincerely,



Emily Stover DeRocco

**Appendix I: Comments from the Department
of Labor**

U.S. Department of Labor

Assistant Secretary for
Office of Disability Employment Policy
200 Constitution Avenue, NW
Washington, D.C. 20210



November 23, 2004

Mr. Sigurd R. Nilsen
Director, Education, Workforce, and
Income Security Issues
United States Government Accountability Office
Washington, DC 20548

Dear Mr. Nilsen:

Thank you for allowing the U.S. Department of Labor Office of Disability Employment Policy (ODEP) an opportunity to comment regarding the Government Accountability Office's (GAO) draft report entitled, "Workforce Investment Act: Labor Has Taken Several Actions to Facilitate Access to One-Stops for Persons with Disabilities, but These Efforts May Not Be Sufficient." This letter provides comments, which are essentially technical in nature, on recommendations contained in the draft report.

As an overall comment, ODEP asserts that by reducing the grant activities by ODEP to a vague footnote on page 2, the report does not reflect the full range of efforts by DOL to facilitate the inclusion of people with disabilities into WIA programs. Specifically, multiple ODEP grants are facilitating comprehensive access to One Stops. For instance:

- ODEP initiatives are testing and demonstrating innovative methods for serving people with disabilities by changing the culture, operating philosophy and menu of services in ways that will endure and that will enhance the ability of One Stops to better serve all of its clients with complex needs, including people with disabilities.
- ODEP will identify and disseminate to the workforce investment system the best policies and practices pulled from the activities of the grantees. As an example, some grantees are involving One Stops, Vocational Rehabilitation agencies, micro-enterprise agencies and other small business development resources in new relationships that are resulting in permanent policy changes at the respective agencies. Grantees are also exploring creative methods for combining funds from multiple sources, including leveraging resources and funding from other state and local systems to meet the needs of clients in ways that promote choice and self-determination. In some locations, the activities of ODEP grantees are coordinated with and supplementing those of other DOL grant programs and of other federal agencies.
- ODEP is also collaborating with ETA to provide guidance to the One Stops on their authority under the WIA to serve people with disabilities and how to identify resources other than VR in their communities that can expand their capacity to



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serve them. ODEP provided leadership in development of the Section 188 checklist. Additional policy documents have been developed and are being reviewed. ODEP is also working with ETA to identify successful practices within the One Stops across the country for working with people with psychiatric disabilities.

ODEP further recommends that two separate paragraphs be inserted on page 14 of the report at the section entitled, "Federal Grants Have Provided Funding to Facilitate One-Stop Accessibility." Specifically, ODEP suggests adding the following language:

Each year, over the last three years, ODEP has awarded 7-10 grants designed to demonstrate the use of customized employment strategies for persons with disabilities within the context of the One-Stop Center system. Currently, ODEP has 31 such customized employment programs operating in 19 states, involving over 40 local workforce investment boards. These 31 grant programs are building programmatic accessibility in local One-Stop Career Centers to be able to effectively serve people with multiple challenges to employment. These include individuals on SSI or SSDI; people on waiting lists for employment services; young people transitioning from special education programs; people in sheltered workshops who choose to change to integrated, competitive employment; and individuals who are chronically homeless – individuals often considered the "hardest to serve." Through ODEP's customized employment initiative, the One-Stop Career Centers are changing their practices to welcome them as customers, and bringing new partners to the One-Stop whose funds and expertise are being leveraged.

Over the last three years, through its youth to work employment initiative, ODEP has also funded 31 grants totaling \$20.3 million designed to improve transition outcomes for youth with disabilities. All of these grants had a goal of improving programmatic accessibility in local One-Stop Career Centers for youth with disabilities, and a number of the projects also focused on improving physical accessibility. State and local workforce investment boards were the direct recipients of some of this funding. Research indicates that when youth, including youth with disabilities, engage in career exploration, work-based learning, youth leadership development activities, and have access to the other types of supports they need, (e.g., housing, transportation, etc) the likelihood of their transitioning successfully is greatly increased. Through ODEP's youth to work employment initiative, One-Stop Center staff and their partners are working more collaboratively to ensure that youth with disabilities have access to these opportunities.

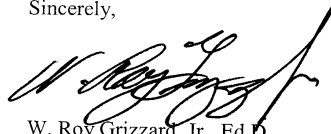
**Appendix I: Comments from the Department
of Labor**

ODEP's final recommendation is to include the following language as the second and third line of the recommendation on page 32:

This comprehensive plan should address the full range of access issues, including reasonable accommodations and effective communication to achieve access to non-specialized supports and services, such as transportation and assistive technology, through the One-Stop Centers. DOL would regularly report on the progress of the plan.

We appreciate having had the opportunity to review and comment on this draft report.

Sincerely,



W. Roy Grizzard, Jr., Ed.D.
Assistant Secretary

**Appendix I: Comments from the Department
of Labor**

U.S. Department of Labor

Office of the Assistant Secretary
for Administration and Management
Washington, D.C. 20210



NOV 23 2004

Mr. Sigurd R. Nilsen
Director
Education, Workforce, and Income Security Issues
Government Accountability Office
441 G St., NW
Washington, DC 20548

Dear Mr. Nilsen:

Enclosed please find the comments of the Civil Rights Center (CRC), Office of the Assistant Secretary for Administration and Management (OASAM), U.S. Department of Labor (DOL), regarding the draft report of the Government Accountability Office entitled "WORKFORCE INVESTMENT ACT: Labor Has Taken Several Actions to Facilitate Access to One-Stops for Persons with Disabilities, but These Efforts May Not Be Sufficient" (GAO-05-54).

For further information regarding these comments, please contact Denise Sudell, Senior Policy Advisor, CRC/OASAM. Ms. Sudell may be reached at (202) 693-6554, or by e-mail at sudell.denise@dol.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "P. Pizzella".

Patrick Pizzella
Assistant Secretary for
Administration and Management

Enclosure

**COMMENTS FROM THE CIVIL RIGHTS CENTER, OASAM
ON THE DRAFT REPORT
OF THE GOVERNMENT ACCOUNTABILITY OFFICE
REGARDING DOL'S ENFORCEMENT
OF THE WIA NONDISCRIMINATION REGULATIONS
RELATING TO PERSONS WITH DISABILITIES
(GAO-05-54)**

This document contains the comments of the Civil Rights Center (CRC), OASAM, on GAO-05-54, the Government Accountability Office's (GAO's) draft report regarding DOL's enforcement of the provisions of the Workforce Investment Act of 1998 (WIA) and its implementing regulations relating to persons with disabilities. Questions or concerns regarding these comments may be directed to Senior Policy Advisor Denise Sudell at 202-693-6554 or sudell.denise@dol.gov.

SUBSTANTIVE COMMENTS

General Concerns

1) *Inaccurate use of the term "comprehensive access requirements"*: In our discussions with GAO, we agreed to the use of the term "comprehensive access requirements" to refer to positive actions (including providing accessibility, reasonable accommodations and modifications, and effective communication) that recipients must take in order to give persons with disabilities equal opportunity to benefit from the programs, activities, and/or employment offered by the One-Stop system. The draft report, however, also includes within the term "comprehensive access requirements" those regulatory provisions that require recipients to establish the administrative structure that CRC views as necessary in order to ensure nondiscrimination and equal opportunity for members of all groups protected by Section 188 of WIA. In our view, these administrative requirements should not be considered "comprehensive access requirements," because they are not specifically disability-related. We therefore ask that the definition of the term "comprehensive access requirements" be revised to exclude the latter category of requirements, and that the remainder of the report be revised accordingly.

a) *Use of the term "comprehensive access requirements" as a replacement for all disability-related requirements*: At various points, the draft report inaccurately uses the term "comprehensive access requirements" in contexts in which it appears that the term is intended to encompass all of the disability-related requirements in the WIA nondiscrimination regulations. This usage is inconsistent both with our discussions with GAO and with the definition of the term on page 2 of the main portion of the report. We ask that the report be reviewed to identify all such instances and that these instances be revised to correct them. Examples:

i) The second sentence in the third paragraph of the summary section ("What GAO Found") states that various agencies within DOL, including CRC, have "issued guidance and assistance on the comprehensive access requirements." This statement is slightly inaccurate. These agencies have issued guidance and provided assistance regarding the nondiscrimination,

equal opportunity, and administrative requirements of the WIA nondiscrimination regulations, including those requirements characterized by the GAO report as “comprehensive access requirements.” We ask that the sentence be revised to correct it.

ii) . Similarly, the fourth sentence of the same paragraph, in discussing the findings of CRC’s disability compliance reviews of New York City and Miami/Dade County, states that “[i]n both instances, CRC identified instances of noncompliance with the comprehensive access requirements.” The same incorrect usage appears in the “Results In Brief” section of the draft report, in the paragraph at the bottom of page 6. In fact, CRC identified instances of noncompliance with all three categories of relevant requirements, including the nondiscrimination and administrative requirements as well as the “comprehensive access” (or equal opportunity) requirements. We ask that the sentence be revised accordingly.

2) *Role of Vocational Rehabilitation*: We are concerned about the report’s focus on the Vocational Rehabilitation (VR) program. At various points (including in the Letter and in the “Integrated Settings” subsection, among other places), the draft report states that VR “provides services to individuals with disabilities.” We are concerned that readers may misinterpret these statements as signifying that *all* individuals with disabilities who are entitled to protection from discrimination and to positive actions under WIA Section 188 and its implementing regulations are *also* eligible to receive services under VR. Rather, the only individuals with disabilities who are eligible for VR services are those persons who have a physical or mental impairment that “for such individual constitutes or results in a substantial impediment to employment, and [who] can benefit in terms of an employment outcome from vocational rehabilitation services . . .” 29 U.S.C. § 705(20)(A). This definition is much narrower than the definition of “disability” for purposes of nondiscrimination and equal opportunity under WIA Section 188 and the WIA nondiscrimination regulations; therefore, many individuals with disabilities who are entitled to nondiscrimination and equal opportunity under the latter legal provisions are ineligible for services from VR. See 29 CFR 37.4. Additionally, we emphasize that under WIA Section 188 and the WIA nondiscrimination regulations, One-Stop Centers *may not* rely on VR (or other outside organizations serving persons with disabilities) to provide services for individuals with disabilities; rather, such individuals must be served alongside individuals without disabilities except under very limited circumstances. A clear understanding of these points is necessary in order to understand the role, or potential role, of VR in the One-Stop system. We ask that these points be clarified in the final report, and note that additional changes to the report may be necessary as a result.

3) *“Funds” vs. “financial assistance”*: At numerous points, the draft report inaccurately uses the term “funds,” or variations on the term (such as “WIA-funded”), where the term “financial assistance” (or a variation thereon) should be used. The concept of financial assistance under WIA Title I extends well beyond funds, to various types of in-kind assistance. See 29 CFR 37.4, definitions of “financial assistance” and “financial assistance under Title I of WIA.” Therefore, the term “funds” (or variations thereon) should be used only when referring specifically to the use of dollars and cents. For the same reasons, the phrase “recipients of WIA funds” should be changed to “recipients of WIA Title I financial assistance” or “recipients of WIA financial assistance” wherever it appears. Similarly, we are concerned that the phrase “funded or assisted”

may be misleading, and suggest that it be replaced with “funded or financially assisted,” or other similar specific references to *financial* assistance.

4) *“Methods of Administration”*: At various points (including in the abbreviations section and the Results In Brief section), the draft report uses the uncapitalized term “methods of administration.” The phrase must be capitalized (as “Methods of Administration”) to avoid confusion with a similar term, with a different meaning, that is used in the regulations implementing the Americans with Disabilities Act (ADA).

5) *“WIA regulations” vs. “WIA nondiscrimination regulations”*: Throughout the report, the term “WIA regulations” is used to refer to the regulations, published at 29 CFR part 37, that implement WIA Section 188. However, an additional set of “WIA regulations” exists: the programmatic regulations promulgated by ETA, which appear at 20 CFR part 660 *et seq.* To avoid confusion between these two sets of regulations, we ask that the phrase “WIA nondiscrimination regulations” be used to refer to the regulations implementing WIA Section 188.

Specific Comments

1) *Summary section (“What GAO Found”)*: We have the following comments regarding this section, which appears on an un-numbered page at the beginning of the report.

a) *Use of undefined terminology*: In the summary section, the report uses broad terminology, such as “comprehensive access,” without defining the terms that are used. We are concerned that the use of such undefined terms may cause readers – particularly readers who rely primarily on the summary section – to misunderstand the findings of the report. We suggest that either such terms be defined in the summary section, or that their use be restricted to the main portion of the report.

b) *Inaccurate statement regarding self-assessment compliance tools*: In the third paragraph of the summary section, the fifth sentence (“In addition, CRC requested that each state complete a self-assessment compliance tool for the state and its largest local area”) is placed in a context that makes it appear that only the states of New York and Florida were asked to complete such self-assessment tools. (The same error appears in the “Results In Brief” section, at the top of page 7 of the draft report.) In fact, all states were required to submit such completed tools to CRC. We ask that this sentence be moved, deleted, or otherwise corrected.

c) *Final sentence of third paragraph*: We ask that the final sentence of the third paragraph, beginning “The CRC Director said . . .”, be deleted.

2) *Results In Brief*: We have the following comments regarding this section, which begins on page 5 of the draft report.

a) *CRC responsibilities*: The fourth sentence of the third paragraph of this section states, in pertinent part, that “CRC has responsibility for monitoring and enforcing WIA’s statutory and regulatory nondiscrimination and equal opportunity provisions.” This sentence appears on page 6 of the draft report. (Similar language appears in the first sentence in the second paragraph on

page 27 of the draft report.) We ask that the term “interpreting” be added to the other two responsibilities listed, both on page 6 and on page 27.

b) *Final sentence of third paragraph*: We ask that the final sentence of the third paragraph of this section, beginning “Moreover, the CRC Director told us . . .”, be deleted. This sentence appears on page 7 of the draft report.

c) *Disability data re: registrants*: A portion of the fourth paragraph of this section, which appears on the bottom half of page 7 of the draft report, states, in pertinent part: “[T]he collection of information on WIA participants, including information on individuals with disabilities, is limited to those individuals who are registered for services. Current law does not require that one-stops register job seekers that are self-service and informational in nature, and thus they are not included in the performance measures.” (Similar statements appear on page 31 of the draft report, and a paraphrase appears on the Summary page.) These statements, in our view, provide an incomplete picture of the requirements relating to collection of information about customers with disabilities. Although the WIA nondiscrimination regulations require collection of disability-related information only about those customers who are registered, the definition of “registrant” under those regulations encompasses any individual who has submitted personal information, such as his or her name, in response to a request by the recipient. *See* 29 CFR 37.4, definitions of “registrant” and “applicant,” and 20 CFR 663.105(c). It is CRC’s experience that in practice, many One-Stop Centers require customers to provide their names on a sign-in sheet in order to use the self-service and informational services offered by the centers, such as the computer rooms. Under the WIA nondiscrimination regulations, therefore, such centers are required to collect demographic information, including disability status, from such customers. *See* 29 CFR 37.37(b)(2). We ask that the report be revised as appropriate to incorporate this information.

3) *Background*: We have the following comments regarding this section of the draft report.

a) *“Political affiliation or belief”*: The last full paragraph on page 10 of the draft report purports to list the bases on which discrimination is prohibited under WIA Section 188. In addition to disability, according to the report, those bases include “race, color, religion, sex, national origin, age, *political affiliation or belief*” (emphasis added). This formulation incorrectly makes it appear that the bases of “political affiliation” and “belief” are separate bases. In fact, “political affiliation or belief” is one basis. The sentence should be revised, in pertinent part, as follows: “. . .age, or political affiliation or belief.”

b) *“Held accountable”*: The final sentence in the first paragraph at the top of page 11 of the draft report states that the WIA nondiscrimination regulations “also identify how recipients will be held accountable for ensuring nondiscrimination and equal opportunity for individuals with disabilities.” We are concerned that this sentence appears to imply that recipients will not be “held accountable” for violations of the regulatory provisions relating to members of other protected groups, or the provisions imposing administrative requirements. We ask that the sentence be revised accordingly.

c) *“Significant assistance”*: The first entry in the bullet-point list on page 11 of the draft report states that recipients must not provide significant assistance to “a person or entity that discriminates on the basis of disability.” This statement is overbroad. Section 37.7(b) of the WIA nondiscrimination regulations prohibits such significant assistance to a more limited category of persons or entities: those that discriminate “in providing any aid, benefits, services, or training to registrants, applicants, or participants.”

d) *Architectural accessibility requirements*: In the last full paragraph on page 11, a sentence in the draft report states that recipients “who are in facilities or parts of facilities designed, constructed, or altered on their behalf” must comply with architectural accessibility requirements. This sentence contains two errors.

i) *“Designed”*: The relevant regulatory provision, 29 CFR 32.28, does not provide for coverage of facilities that are “designed” on behalf of a recipient. The word “designed” must be deleted.

ii) The same sentence omits an important aspect of the requirements relating to architectural accessibility. The sentence should be revised, in pertinent part, as follows: “. . . facilities that are constructed or altered on their behalf after they first receive Federal financial assistance.”

e) *Program accessibility requirements*: A later sentence in the same paragraph states, in pertinent part, that “[r]ecipients of WIA funds [see General Concern 3 above] do not have to make each of their existing facilities or every part of an existing facility accessible to and usable by individuals with disabilities, and can satisfy the accessibility requirements by redesigning equipment, reassigning services” We ask that this sentence be clarified by adding the phrase “for existing facilities” after the word “requirements.”

f) *Reason for administrative structure*: A sentence on page 12 of the draft report states that the WIA nondiscrimination regulations require recipients to establish an administrative structure “so that they may be held accountable for compliance with WIA’s nondiscrimination and equal opportunity provisions.” This statement is inaccurate. The administrative requirements are designed primarily to ensure compliance with the nondiscrimination and equal opportunity requirements, although they (the administrative requirements) do include provisions relating to holding recipients accountable for non-compliance. We ask that the sentence be revised accordingly.

g) *Definition of “small recipient”*: Footnote 8 on page 12 of the draft report defines a small recipient as one that serves a total of 15 beneficiaries “during a year” and employs fewer than 15 employees on any given day “in the year.” The use of the unmodified term “year” in this definition is inaccurate. The definition of the term in 29 CFR 37.4 requires that these calculations be made with regard to a “grant year” (the latter term is a term of art in the WIA context). We ask that the footnote be corrected.

h) *Responsibilities of EO officers*: The paragraph that begins on the bottom of page 12 of the draft report purports to list the responsibilities imposed on EO officers by the WIA

nondiscrimination regulations. We ask that the paragraph be revised to make clear that the list provided in the report is not all-inclusive.

i) *Responsibilities of CRC Director*: Similarly, the material at the bottom of the main text on page 13 of the draft report purports to list the oversight responsibilities of the CRC Director. We ask that this material also be revised to make clear that the list provided in the report is not all-inclusive.

4) *“Local Areas and One-Stops Have Made Efforts . . .”*: We have the following comments regarding this section, which begins on page 18 of the draft report.

a) *“Auxiliary aids and services”*: We have several comments regarding this subsection.

i) *Definition of assistive technology*: The definition of the term “assistive technology” in this subsection of the report is overly narrow. The report asserts that the term “refers to products or equipment that can be used to make existing information technology, including computers and telephones, accessible to persons with disabilities.” In CRC’s interpretation, however, the application of the term is not limited to “information technology.” Rather, it is a more general term that refers to a piece of equipment, a system of products, or any other item or group of items that is used to help people with disabilities increase, improve, or maintain their functional capabilities (in other words, their ability to perform their major life activities). To be considered assistive technology, the item or items need not have been originally purchased to help people with disabilities; items that have been modified or customized for that purpose after they were originally acquired also fall into the category. Some, but by no means all, assistive technology items are related to communication.

ii) *Use of term “accessible”*: At several points, this subsection of the report uses the term “accessible” incorrectly. The report states that assistive technology can be used to make information technology “accessible” to persons with disabilities, and that alternative formats can make written or visual materials or oral information “accessible” to such persons. However, the term “access” does not apply to communications; the WIA nondiscrimination regulations use the term “available,” rather than “accessible,” in this context. For example, the regulatory definition of “auxiliary aids and services” refers to effective means of making aurally and delivered materials “available” to individuals with hearing or visual impairments. See 29 CFR 37.4, definition of “auxiliary aids and services,” paragraphs (1) and (2). We ask that the term “accessible” be replaced by “available” in all such instances in this subsection.

iii) *Height-adjustable tables*: Table 3 on page 19 lists “height-adjustable tables” as an example of auxiliary aids and services. Such tables, however, are not specifically related to communication, and therefore do not qualify as auxiliary aids. This example should be deleted from Table 3.

b) *“Reasonable accommodations”*: The first sentence in this subsection states that the WIA regulations require reasonable accommodations “to enable persons with disabilities to receive the same benefits as persons without disabilities” (emphasis added). This statement is inaccurate. In the context of provision of services, reasonable accommodations enable qualified individuals

with disabilities “to receive aid, benefits, services, or training *equal to* that provided to qualified individuals without disabilities.” 29 CFR 37.4, definition of “reasonable accommodation,” paragraph (1)(ii) (emphasis added). The term also applies in the context of application for such aid, benefits, services, or training, or in the employment context. We ask that the report be corrected accordingly.

c) “*Staff training*”: We have several comments regarding this subsection, which begins on page 23 of the draft report.

i) *Training requirements*: The first sentence of this subsection states, in pertinent part, that “the WIA regulations [*sic* – see General Concern 5 above] do not specifically require that one-stop staff, other than the equal opportunity officer, receive training on disability” In fact, the WIA nondiscrimination regulations require that training be provided to the EO Officer *and his/her staff*. See 29 CFR 37.25(f), 37.26(d), 37.54(d)(2)(vi). We ask that the report be corrected accordingly.

ii) *Final bullet point in list*: A list of training topics that have been provided to One-Stop staff appears on page 23 of the draft report. The final bullet point refers to “WIA Section 188, or other disability-related training.” It appears that something is missing from this entry; we ask that the entry be corrected.

5) “*Labor Has Taken Actions to Ensure . . .*”: We have the following comments regarding this section, which begins on page 27 of the draft report.

a) *CRC responsibilities*: The first sentence in the second paragraph on page 27 states, in pertinent part, that CRC is responsible for monitoring and enforcing the nondiscrimination and equal opportunity regulations “regarding programs receiving financial assistance from Labor.” This statement is incomplete. CRC also has responsibility for the regulations that apply to programs and activities that are conducted as part of the One-Stop system and operated by One-Stop partners, regardless of the source of the financial assistance for such programs and activities. See 29 CFR 37.2(a)(2); 37.4 (definition of “recipient,” material following paragraph (12)); 37.85(c). A similar statement appears in the next-to-last sentence in the first paragraph on page 30 (CRC’s professional and administrative staff are responsible for “all issues involving discrimination in one-stops and *other Labor-funded programs*”) (emphasis added). We ask that these statements be revised to correct them.

b) *CRC-conducted training*: The sentence that begins on the bottom of page 27 and continues on page 28 of the draft report states, in pertinent part, that CRC “conducts a 2-day training session” In fact, the training sessions that have been conducted by CRC have ranged from two days to three full days, depending on the needs of, and facilities available to, the particular local workforce investment area in which the training has been conducted.

c) “*Finalized for publication*”: Footnote 20 on page 28 of the draft reports states that at the time of GAO’s review, CRC “had not yet finalized . . . for publication” the Reports of Findings resulting from its disability compliance reviews of New York City and Miami/Dade County. This statement is inaccurate, and we are concerned that it may be misleading: it appears that

GAO may have confused the final Reports of Findings, which were “finalized” and issued in September 2003, with the draft Final Determinations, which were sent to the New York and Florida recipients in September 2004. The Reports of Findings, which set forth the results of CRC’s compliance reviews, were issued pursuant to 29 CFR 37.64, 37.94, and 37.95. We have provided GAO with copies of each of these two Reports of Findings. The relevant States and LWIAs were given six months to respond to the Reports. CRC has reviewed the responses the States and LWIAs provided; based on those responses, CRC has produced draft Final Determinations, pursuant to 29 CFR 37.98 through 37.100. The draft documents were sent to the respective recipients on September 30, 2004. At the time GAO was completing its review, CRC, pursuant to 29 CFR 37.100(a), was in separate negotiations with both the New York and Florida recipients regarding the findings set forth in those draft Final Determinations, in an effort to achieve voluntary compliance by each set of recipients. CRC did not provide GAO with copies of those draft Final Determinations because the ongoing negotiations may result in amendments to the Final Determinations, or in issuance of a Conciliation Agreement or a written assurance in lieu of a Final Determination. See 29 CFR 37.95(a), (b)(3); 37.96; 37.97; 37.100(a).

d) *Integrated settings*: The paragraph that begins on page 28 of the draft report contains a description of the circumstances under which a One-Stop Center may serve customers with disabilities separate from customers without disabilities. We have several comments regarding this description.

i) *“According to CRC’s review”*: The paragraph states that the requirements regarding integrated settings are “[a]ccording to CRC’s review.” In fact, the requirements are for the most part based directly on the language of the WIA nondiscrimination regulations. See 29 CFR 37.7(a)(4), (c), (d).

ii) *Order of steps*: The description reverses the order in which the required steps should be taken; we ask that the description be corrected. Those steps, in the correct order, are as follows:

(1) the recipient must determine that in general, the segregation is *necessary* in order to provide customers with disabilities, or customers with specific disabilities, with programs or activities that are as effective as those provided to customers without disabilities;

(2) the segregated program or activity provided by the recipient must *in fact* be as effective as the programs or activities provided to customers without disabilities¹;

(3) the recipient must perform an *individualized assessment*, and determine that the segregated program or activity would be appropriate for a particular customer with a disability, before referring that customer to the segregated program or activity; and

¹ This requirement is based on case law as well as the regulatory language. See, e.g., *Lovett v. Chandler*, 303 F.3d 1039 (9th Cir. 2002) (“the plain language of the [Section 504 and ADA Title II] regulations prohibits a state from [excluding persons with disabilities from a program] unless it provides them with benefits ‘as effective as those provided to others’”).

(4) the *ultimate decision* whether to participate in the segregated program or activity must be left *up to the customer*. If the customer is qualified for, and wishes to participate in, the "regular," non-segregated programs or activities, he or she must be permitted to do so.

e) *Statements by CRC Director*: Two sentences in the first full paragraph on page 30 state, in pertinent part, that "the CRC Director said that there were no plans for conducting additional on-site reviews beyond the two that are planned for completion in 2005. The Director further said that limited staff and competing work priorities may hinder CRC's ability to conduct additional reviews." We ask that these sentences be corrected, in pertinent part, as follows: ". . . said that she had not yet determined whether CRC will conduct additional on-site reviews, and that the determination will be based on the staff and resources that are available at the time the determination is made."

6) *"Information on Employment Outcomes is Limited"*: Two sentences in the full paragraph on page 31 state, in pertinent part: "[M]ost of the one-stop customers who participate in self-directed services, and receive only limited staff assistance, are estimated to be the largest proportion of job seekers under WIA. But since they are not registered for services, they are excluded from the employment outcome data published by Labor." As noted above in Specific Comment 2(c), "*Disability data re: registrants*," the definition of "registrant" under the WIA nondiscrimination regulations encompasses any individual who has submitted personal information, such as his or her name, in response to a request by the recipient. See 29 CFR 37.4, definitions of "registrant" and "applicant," and 20 CFR 663.105(c). It is CRC's experience that in practice, many One-Stop Centers require customers to provide their names on a sign-in sheet in order to use the self-service and informational services offered by the centers, such as the computer rooms. Under the WIA nondiscrimination regulations, therefore, such centers are already required to collect demographic information, including disability status, from such customers. See 29 CFR 37.37(b)(2). We ask that the report be revised as appropriate to incorporate this information.

EDITORIAL COMMENTS

1) *Use of shorthand terms in summary section*: We are concerned that general readers will find the opening summary of the report difficult to understand, because the summary uses shorthand terms (such as "one-stops") without defining them. We suggest that in the summary, either complete terms (such as "One-Stop Career Centers") be used rather than shorthand terms, or the shorthand terms be defined.

2) *Ambiguity*: Various portions of the summary section of the report are ambiguous. For example, the third sentence of the second paragraph of the summary states, in pertinent part: "In a few cases, local areas and one-stops relied primarily on VR . . ." Even in the context of the paragraph, it is unclear what the cited "local areas and one-stops" relied on VR for. We suggest that such ambiguous statements be clarified.

3) *Abbreviations*: In this section, the Job Training Partnership Act is abbreviated as "JPTA." The correct acronym is "JTPA."

Appendix II: GAO Contacts and Staff Acknowledgments

GAO Contacts

Carol Dawn Petersen, Assistant Director (202) 512-7215
Gretta L. Goodwin, Senior Economist (202) 512-7215

Staff Acknowledgments

William E. Hutchinson and Caterina Pisciotta made significant contributions to all phases of this report. In addition, Jessica Botsford and Richard Burkard provided legal assistance, and Amy Buck assisted in report development.

Related GAO Products

Workforce Investment Act: States and Local Areas Have Developed Strategies to Assess Performance, but Labor Could Do More to Help. [GAO-04-657](#). Washington, D.C.: June 1, 2004.

Workforce Investment Act: One-Stop Centers Implemented Strategies to Strengthen Services and Partnerships, but More Research and Information Sharing Is Needed. [GAO-03-725](#). Washington, D.C.: June 18, 2003.

Workforce Investment Act: Exemplary One-Stops Devised Strategies to Strengthen Services, but Challenges Remain for Reauthorization. [GAO-03-884T](#). Washington, D.C.: June 18, 2003.

Workforce Training: Employed Worker Programs Focus on Business Needs, but Revised Performance Measures Could Improve Access for Some Workers. [GAO-03-353](#). Washington, D.C.: February 14, 2003.

Older Workers: Employment Assistance Focuses on Subsidized Jobs and Job Search, but Revised Performance Measures Could Improve Access to Other Services. [GAO-03-350](#). Washington, D.C.: January 24, 2003.

Workforce Investment Act: States and Localities Increasingly Coordinate Services for TANF Clients, but Better Information Needed on Effective Approaches. [GAO-02-696](#). Washington, D.C.: July 3, 2002.

Workforce Investment Act: Improvements Needed in Performance Measures to Provide a More Accurate Picture of WIA's Effectiveness. [GAO-02-275](#). Washington, D.C.: February 1, 2002.

Voters with Disabilities: Access to Polling Places and Alternative Voting Methods. [GAO-02-107](#). Washington, D.C.: October 15, 2001.

Workforce Investment Act: Better Guidance Needed to Address Concerns over New Requirements. [GAO-02-72](#). Washington, D.C.: October 4, 2001.

Workforce Investment Act: New Requirements Create Need for More Guidance. [GAO-02-94T](#). Washington, D.C.: October 4, 2001.

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