



DISABILITY RIGHTS PENNSYLVANIA

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VIA EMAIL

March 23, 2016

Naomi Barry-Perez, Director
Civil Rights Center, U.S. Department of Labor
200 Constitution Avenue NW.
Room N-4123
Washington, DC 20210

RE: Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Innovation and Opportunity Act, (RIN) 1291-AA36

Disability Rights Pennsylvania (DRP) is the organization designated by the Commonwealth under federal law to protect the rights of and advocate for Pennsylvanians with disabilities. We are pleased to be given the opportunity to comment on the proposed policy change. We are also submitting a number of general comments.

The Department has welcomed comments on the following:

Babel Notice §38.4 (i) (page 4503):

Recommendation to specify that the alternate formats are available as an accommodation through the recipient at no cost to the beneficiary.

Vital Information §38.4 (ttt) (page 4507):

Recommendation to include certified ASL interpreter services as a method of translation of vital information. Many individuals in the deaf community feel that they are not adequately supported for success in employment due to the lack of effective communication of vital information such as those mentioned in this section.

Discrimination Prohibited Based on National Origin, Including Limited English Proficiency §38.9:

According to the definition (hh) *Limited English Proficiency (LEP) individual* (Page 4546) means an individual whose primary language for communication is not English and who has limited ability to read, speak, write, and/or understand English. LEP individuals may be competent in English for certain types of communication (e.g. speaking or understanding), but still be LEP for other purposes (e.g. reading or writing). DRP recommends that this section expressly include provision of a qualified sign language (ASL) interpreter or other reasonable accommodation for individuals who are deaf. DRP expressly notes that use of a family member or other adult for interpreting violates both section 504 of the Rehabilitation Act of 1973 as amended and incorporated into WIOA and the Americans with Disabilities Act (ADA).

It is not clear from this definition that this includes individuals with sensory impairments (SI), who are Deaf or hard of hearing and communicate using American Sign Language (ASL), have speech impairments, or who are blind or have visual impairments.

Page 4535: It is never appropriate for an “accompanying adult” to be asked to provide communication access. DRP recommends that this language be removed and replaced with the affirmative obligation to provide interpreters, including but not limited to, qualified sign language interpreters.

Section 38.15 Communication with individuals with disabilities (page 4555):

DRP supports the proposed NPRM regarding the use of video remote interpreting (VRI) because this section makes clear that if VRI is used as an

alternative to a “live” qualified interpreter, the quality and video connection must be clear enough to ensure effective communication.

Section 38.16 Service Animals (page 4556): DRP recommends that this section be expanded to include emotional support animals. Inclusion of emotional support animals is consistent with language in the Pennsylvania Human Relations Act and the federal Fair Housing Act.

Section 38.30 Requisite Skill and Authority of Equal Opportunity Officer (page 4559):

DRP recommends that the Equal Opportunity Officer referenced in this section be provided training on disability discrimination and disability issues generally.

Section 38.35 Equal Opportunity Notice/poster (page 4560):

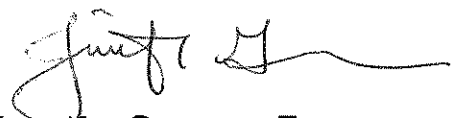
DRP recommends that language be added to this section that states “the notice, poster, and/or appeal rights set forth in this section must be provided in an accessible format.”

Governor's Obligation to Develop and Implement a Nondiscrimination Plan §38.54 (page 4563):

DRP recommends that language be added to this section to ensure that the nondiscrimination plan “will be made available in alternative, accessible formats upon request”.

We thank you for consideration of our comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Jennifer Garman", followed by a long horizontal flourish.

Jennifer Garman, Esq.
Director of Government Affairs
Disability Rights Pennsylvania