

Reasonable Accommodation for Individuals with Disabilities

Policy:

1. The West Piedmont Workforce Development Board supports and requires compliance with Section 188 of the Workforce Innovation and Opportunity Act prohibiting discrimination on the grounds of race, color, religion, sex, national origin, age, disability, political affiliation or belief.
2. Section 188 of the Workforce Innovation and Opportunity Act requires reasonable accommodations be provided to qualified individuals with disabilities in certain circumstances.
3. All West Piedmont Local Workforce Area American Job Centers will post required notices to ensure all eligible individuals are aware of the system's obligations to operate in a non-discriminatory manner.
4. All West Piedmont American Job Centers will be accessible to individuals with disabilities including the mobile unit.
5. In addition to Section 188 of the Workforce Innovation and Opportunity Act, West Piedmont Workforce Development Area will comply with:
 - a. Section 504 of the Rehabilitation Act, which prohibits discrimination against individuals with disabilities by recipients of Federal financial assistance.
 - b. Title I and Title II of the Americans with Disabilities Act, which prohibits discrimination in employment based on a disability, and prohibits State and local governments from discriminating on the basis of disability.
 - c. Section 427 of the General Education Provisions Act that requires recipients ensure equitable access to, and participation in, certain programs run by the United States Department of Education.
6. No individual is to be excluded from participation in, denied benefits of, subjected to discrimination under, or denied employment in the administration of or in connection with, any program or activity, funded in whole or in part under WIOA, because of race, color, religion, sex, national origin, age, disability, political affiliation or belief. This policy reflects all aspects of the AJC's program, including: registration and orientation; initial screening, assessment, and testing; and service delivery.
7. The West Piedmont American Job Centers are required to provide reasonable accommodation for individuals with disabilities to ensure equal access and opportunity. The term "**reasonable accommodation**" is defined in the current Section 188 regulations as "modifications or adjustments to an application/registration process that enables a qualified applicant/registrant with a disability to be considered for the aid, benefits, services, training or employment that the qualified applicant/registrant desires;" or "modifications or adjustments that enable a qualified individual with a disability to perform the essential functions of a job, or receive aid, benefits, services, or training equal

to that provided to qualified individuals without disabilities;” or “modifications or adjustments that enable a qualified individual with a disability to enjoy the same benefits and privileges of the aid, benefits, services, training, or employment as are enjoyed by other similarly situated qualified individuals without disabilities.”

8. The ADA defines a “disability” with respect to an individual to mean a physical or mental impairment that substantially limits one or more of the major life activities of such individual, a record of such an impairment, or being regarded as having such an impairment.
9. When providing aid, benefits, or services under a WIOA Title I financially assisted program or activity, a recipient **must not** directly or through contractual, licensing, or other arrangements, on the ground of disability:
 - a. Deny a qualified individual with a disability the opportunity to participate in or benefit from the aid, benefits, services, or training;
 - b. Afford a qualified individual with a disability an opportunity to participate in or benefit from the aid, benefits, services, or training that is not equal to that afforded others;
 - c. Provide a qualified individual with a disability with an aid, benefit, service or training that is not as effective in affording equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as that provided to others;
 - d. Provide different, segregated, or separate aid, benefits, services, or training to individuals with disabilities, or to any class of individuals with disabilities, unless such action is necessary to provide qualified individuals with disabilities with aid, benefits, services or training that are as effective as those provided to others;
 - e. Deny a qualified individual with a disability the opportunity to participate as a member of planning or advisory boards; or
 - f. Otherwise limit a qualified individual with a disability in enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving any aid, benefit, service or training.
10. Separate or different programs or services for individuals with disabilities are not prohibited under the ADA; however, individuals with disabilities cannot be forced to participate in these programs instead of WIOA Title I financially assisted programs or activities.
11. With regard to aid, benefits, services, training, and employment, a recipient must provide reasonable accommodation to qualified individuals with disabilities who are applicants, registrants, eligible applicants/registrants, participants, employees, or applicants for employment, unless providing the accommodation would cause undue hardship. Definitions of the terms “reasonable accommodation” and “undue hardship” are specified in 29 CFR § 38.4.
12. To afford individuals with disabilities an equal opportunity to participate in and enjoy the benefits of the WIOA Title I program or activity, a recipient must furnish appropriate auxiliary aids or services where necessary. In determining what type of auxiliary aid or service is appropriate and necessary, recipients must give primary consideration to the requests of the individual with a disability. Primary consideration means honoring the choice unless the agency can demonstrate that another equally effective means of

- communication is available, or that using the means chosen would result in a fundamental alteration in the service, program, activity, or undue financial and administrative burdens.
13. A list of auxiliary aids and services can be found in 29 CFR § 38.4, and includes:
 - a. Qualified interpreters, note-takers, transcription services, written materials, telephone handset amplifiers, assistive listening systems, telephones compatible with hearing aids, closed caption decoders, open and closed captioning, telecommunications devices for deaf persons (TDDs/TTYs), videotext displays, or other effective means of making aurally delivered materials available to individuals with hearing impairments;
 - b. Acquisition or modification of equipment or devices; and,
 - c. Other similar services and actions.
 14. A recipient must not place a surcharge on a particular individual with a disability, or any group of individuals with disabilities, to cover the costs of measures associated with providing auxiliary aids, services, or assistive technology, that are required to provide that individual or group with the nondiscriminatory treatment required by Workforce Innovation and Opportunity Act Title I. This obligation does not require a recipient to provide personal devices, such as wheelchairs; prescribed devices, such as prescription eyeglasses or hearing aids; or readers for personal use or study.
 15. Under WIOA, recipients that receive Federal financial assistance must meet accessibility obligations under Section 504 of the Rehabilitation Act of 1973, and the implementing regulations at 29 CFR 38. This includes physical accessibility and programmatic accessibility. All State and local Workforce Development Boards, AJC operators, service providers, and subrecipients must complete the "Section 504 Self-Evaluation" form. The completed evaluation must be submitted to the State level EO Officer.
 16. Medical information obtained in connection with the reasonable accommodation process must be kept confidential. This means that all medical information that is obtained in connection with the request for a reasonable accommodation must be kept in a separate file from the individual's case file or personnel file. This includes the fact that a reasonable accommodation has been requested or approved and information about functional limitations. These confidentiality guidelines must be followed by all staff involved in the process.

Approval Signature:



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