

Workforce Development Council of Seattle-King County
Policy #01-2005 FINAL
(Revised January 2006)
Accommodation Policy

Purpose

The purpose of this policy is to implement the requirements of Section 188 of the Workforce Investment Act and the implementing regulations pertaining to the provision of reasonable accommodations, making reasonable modifications to policies, practices, and procedures, and the provision of auxiliary aids and services to qualified individuals with disabilities. Qualified individuals with disabilities will be given a meaningful opportunity to participate in and benefit from aid, benefits, services, or training, including core, intensive, training, and support services. This includes the adoption of effective communication strategies for applicants, participants, and the general public with a wide range of physical, perceptual, communication and cognitive abilities.

The objective is to ensure that universal access is a reality for all persons interested in participating in programs, projects and activities contracted through the Workforce Development Council of Seattle- King County, including persons with disabilities.

The policies pertaining to reasonable accommodation/reasonable modification/auxiliary aids and services apply to qualified individuals with disabilities in regard to:

- Registration and orientation
- Initial screening, assessments, and testing
- Service delivery, including core, intensive, training, and support services
- Continuous improvement

Accommodations should occur on a timely basis. If not reasonable or if filling the request would cause undue hardship, documenting due diligence is required.

Reference

1. Regulations implementing Section 188 of WIA (29 CFR 37.8)
2. Regulations implementing Section 504 of the Rehabilitation Act (29 CFR 32.13)

Policy

Overview of Reasonable Accommodation/Modification Policy

1. With regard to aid, benefits, services, and training, the WDC contracted partners will provide reasonable accommodations to qualified individuals with disabilities who are applicants, registrants, or participants unless providing the accommodation would cause undue hardship.
2. WDC contracted partners will also make reasonable modifications in policies, practices, and procedures when the modifications are necessary to avoid discrimination on the basis of disability unless making the modifications would fundamentally alter the nature of the service, program, or activity.
3. The need for an accommodation/modification shall not adversely affect the consideration of a qualified individual with a disability for aid, benefits, services, and training.
4. In those situations where a recipient believes that the proposed accommodation/modification would cause undue hardship/fundamental alteration in the nature of the program, the recipient has the burden of proving that the accommodation/modification would result in such undue hardship/fundamental alteration.
5. If an accommodation/modification would result in undue hardship/fundamental alteration, the recipient will take any other action that would not result in undue hardship/fundamental alteration, but would nevertheless ensure that, to the maximum extent possible, individuals with disabilities receive the aid, benefits, services, and training provide by the recipient.
6. If an accommodation would result in undue hardship, the recipient will give the individual with a disability the option of providing the accommodation or paying the portion of the cost that would be considered an undue hardship.

Examples of Reasonable Accommodations/Modifications

Reasonable accommodations/modifications include:

- Making existing facilities readily accessible to and usable by individuals with disabilities as outlined in ADA,

- Restructuring a service or the way in which aid, benefits, services, or training is provided,
- Modified training schedules within normal hours of operation,
- Acquisition or modification of equipment or devices,
- Appropriate adjustment or modifications of examinations, training materials, or policies,
- The provision of readers or interpreters, and
- Other similar accommodations/modifications for individuals with disabilities.

WDC contracted partners are not required to furnish personal services such as assistance in toileting and eating.

Complaint Procedure

Customers who believe they have been subjected to discrimination under a WIA Title 1-financially assisted program or activity, may file a complaint within 180 days from the date of the alleged violation with the service provider, the local WDC EO Officer (WIA Policy 3450), the State EO Officer and/or directly with the Director of Civil Rights Center, U.S Department of Labor (CRC/USDOL).

Customers who believe they have been subjected to discrimination under the Projects with Industry Grant and/or Division of Vocational Rehabilitation programs or activities, may file a complaint at any time with the Client Assistance Program (1-800-544-2121).

The Workforce Development Council of Seattle-King County is an Equal Opportunity employer and provider of employment and training services. Auxiliary aids and services are available upon request to persons with disabilities. TTD Washington Telecommunications Relay Service 800-833-6384

Appendix

Definitions

- **Auxiliary aids and services**

The term "auxiliary aids and services" includes--

- (1) Qualified interpreters, note takers, transcription services, written materials, telephone handset amplifiers, assistive listening devices, assistive listening systems, telephones compatible with hearing aids, closed caption decoders, open and closed captioning, telecommunications devices for deaf persons (TDDs), videotext displays, or aurally delivered materials available to individuals with hearing impairments;
- (2) Qualified readers, taped texts, audio recordings, Brailled materials, large print materials, or other effective methods of making visually delivered materials available to individuals with visual impairments;
- (3) Acquisition or modification of equipment or devices; and
- (4) Other similar services and actions.

- **Individual with a disability**

The term "individual with a disability" means a person who has a disability. The term "disability" means with respect to an individual, a physical or mental impairment which substantially limits one or more major life activities of such individual; a record of such an impairment; or being regarded as having such an impairment.

- **Fundamental alteration**

The term "fundamental alteration" means (1) A change in the essential nature of a program or activity, including aid, benefits, services, or training; or (2) A cost that a recipient can demonstrate would result in an undue burden. Factors to be considered in making the determination whether the cost of a modification would result in undue burden are set out in the federal regulations implementing Section 188 of WIA (29 CFR 37.4).

- **Qualified individual with a disability**

The term "qualified individual with a disability" means with respect to aid, benefits, services, or training, an individual with a disability who, with or without

reasonable accommodation and/or reasonable modification, meets the essential eligibility requirements for the receipt of such aid, benefits, services, or training.

- **Reasonable accommodation**

The term "reasonable accommodation" means

- (i) 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, or training that the qualified applicant/registrant desires;
- (ii) Modifications or adjustments that enable a qualified individual with a disability to receive aid, benefits, services, or training equal to that provided to qualified individuals without disabilities. These modifications or adjustments may be made to:
 - The environment where an aid, benefits, services, or training are given or
 - The customary manner in which, or circumstances under which an aid, benefit, service, or training are given; or
- (iii) Modifications or adjustments that enable a qualified individual with a disability to enjoy the same benefits, services, or training as are enjoyed by other similarly situated individuals without disabilities.

- **Undue hardship**

The term "undue hardship" means, with regard to individuals with disabilities, significant difficulty or expense incurred by a recipient, when considered in light of the factors set out in the regulations implementing Section 188 of WIA (29 CFR 37.4).