



## ACCOMMODATIONS POLICY

### Workforce Innovation and Opportunity Act Policies and Procedures

EFFECTIVE DATE: TBD

POLICY #: P205 v.4

#### I. PURPOSE

This policy communicates the Workforce Development Council of Seattle-King County (WDC) local workforce development board policy and operational guidance on 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 under the Workforce Innovation and Opportunity Act (WIOA).

#### II. BACKGROUND

All programs operated by one-stop partners as part of the one-stop delivery system are required to ensure equal opportunity (EO) and nondiscrimination in programs and activities. This responsibility includes compliance with all nondiscrimination requirements in the administration and operation of programs, activities and employment as provided by WIOA Section 188 (Nondiscrimination and Equal Opportunity) and 29 CFR Part 38 (Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Innovation and Opportunity Act).

#### III. DEFINITIONS

A. **Aid, benefits, services, or training** – Financially assisted services, financial or other aid, or benefits provided by or through the WDC or its employees, or by others through contract or other arrangements with the WDC. “Aid, benefits, services, or training” includes, but is not limited to:

- Core and intensive services;
- Education or training;
- Health, welfare, housing, social service, rehabilitation, or other supportiveservices;
- Work opportunities; and

B. **Auxiliary Aids or Services** –

C. **Qualified Individual with Disabilities** – An individual who, with or without a reasonable accommodation for his or her disability, meets eligibility requirements in order to receive

services, including co-enrolled basic career services outlined in WDC policy 02- 2017 Co-Enrolled Integrated Service Delivery Policy. Do we want to match the definition on Washington's NDP Plan? See page 40

**D. Reasonable Accommodation** – A modification or adjustment that enables a qualified individual with a disability to perform the essential functions of a job, or to receive aid, benefits, services, or training equal to that provided to qualified individuals without disabilities. It can include a modification to a physical space and/or service in order to allow an individual with a disability access. Examples include but are not limited to:

- Making existing facilities readily accessible to and usable by individuals with disabilities as outlined in the Americans with Disabilities Act (ADA),
- Restructuring a service or the way in which aid, benefits, services, or training is provided,
- Modifying training schedules within normal hours of operation,
- Acquiring or modifying equipment or devices,
- Making appropriate adjustment or modifications of examinations, training materials, or policies,
- Providing readers or interpreters,
- Providing open Wi-Fi to allow those with disabilities to use their own devices to access services,
- Producing written and on-line materials in formats that are accessible, and
- Making other similar accommodations/modifications for individuals with disabilities.

**E. Undue Hardship** – Significant difficulty or expense incurred with respect to the provision of an accommodation. Factors that should be considered when determining if an accommodation presents an undue hardship:

- The nature and cost of the accommodation, taking into consideration resources that could off-set the cost;
- The overall financial resources of the organization providing the accommodation, including (1) the overall size of the recipient, (2) the number of persons aided, benefited, served, trained, or employed by the recipient, and (3) the number, type and location of the recipient's facilities;
- The impact of the accommodation upon the operation of the facility, including whether the accommodation limits the ability of staff to perform their duties or the ability of others to access services;
- Geographic isolation;
- The number of sites/facilities where the accommodation must be made.
- Impact of the accommodation upon the operation of the facility or facilities;
- Impact on the ability of other participants to receive aid, benefits, services, or training, or of other employees to perform their duties; and
- Impact on the facility's ability to carry out its mission.

## IV. POLICY

- A. This policy applies to all WDC contractors and One-Stop system partners. The WDC requires that the local one-stop system and services be accessible to all individuals, including qualified individuals with disabilities. Qualified individuals with disabilities must be given a meaningful opportunity to participate in and benefit from services necessary to meet their employment goals, including basic and individualized career services, follow up services, support services, and training provided by the local One-Stop system.
- B. No qualified individual with a disability may be excluded from participation in or be denied the benefits of One-Stop services, programs or activities, or be subjected to discrimination by any required partner because facilities are inaccessible or unusable by individuals with disabilities. Facilities must comply with the applicable federal accessible design standards, such as the ADA Standards for Accessible Design (1991 or 2010) or the Uniform Federal Accessibility Standards and accessibility obligations under Section 504 of the Rehabilitation Act and the implementing regulations at 29 CFR Part 32 must be met.
- C. Program accessibility requires the provision of reasonable accommodations for individuals with disabilities, making reasonable modifications to policies, practices, and procedures, administering programs and services in the most integrated setting appropriate, and providing appropriate auxiliary aids or services, including assistive technology devices and services where necessary to afford individuals with disabilities an equal opportunity to participate in and enjoy the benefits of the program or activity. In determining what types of auxiliary aids and services are necessary primary consideration must be given to the requests of individuals with disabilities.
- D. In order to be effective, auxiliary aids and services must be provided in accessible formats, in a timely manner, and in such a way as to protect the privacy and independence of the individual with a disability. Some examples include: qualified interpreters, video remote interpreting service, text and video-based telecommunications products and systems, videotext displays, and telephone handset amplifiers.
- E. Those providing services through the local One-Stop system must take reasonable steps to ensure that communications with individuals with disabilities are as effective as communications with others. This includes the adoption of effective communication strategies for those with a wide range of physical, perceptual, communication and cognitive abilities. The objective is to ensure that affirmative outreach is a reality for all persons, including persons with disabilities, interested in participating in services, projects and activities contracted through the One-stop system. Upon request and at no cost to the individual, recipients are required to provide appropriate auxiliary aids and services to qualified individuals with disabilities. The Washington Relay Service is used to communicate with individuals who are hard of hearing or deaf or have speech impairments. Where site telephone numbers are provided, the relay service number must also be provided. Documents and publications will also be made available in alternate formats.
- F. All One-Stop partners are expected to make a reasonable effort to bring qualified individuals with disabilities into the One-Stop system. The One-Stop system should be known for its ability to serve all customers including those with disabilities; therefore, all staff should be knowledgeable about how to provide reasonable accommodations and willing to do so in a positive, culturally appropriate manner.

- G. 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.
- H. In those situations where a One-Stop partner believes that a proposed accommodation/modification would cause undue hardship/fundamental alteration in the nature of the program, the partner has the burden of proving that the accommodation/modification would result in such undue hardship/fundamental alteration.
- I. If an accommodation/modification is proven to result in undue hardship/fundamental alteration, the partner will provide an alternative that would not result in undue hardship/fundamental alteration, but would nevertheless ensure that, to the maximum extent possible, the individual with disabilities receive the aid, benefits, services, and training required to meet their employment goal. If appropriate, based on the specific situation, the individual requesting the accommodation may be offered the option of providing the accommodation or paying the portion of the cost that would be considered an undue hardship.
- J. One-stop partners are not required to furnish personal services such as assistance in toileting and eating.
- K. One-stop partners ensure the confidentiality of information related to an individual's medical condition that may reveal the presence of a disability as noted at 29 CFR 32.15(d) and the Americans with Disabilities Act, as amended. Medical condition information is kept in a single, secured location separate and apart from other files. Electronic systems also support separate recordkeeping for medical condition information. Pre-employment/employment medical inquiries are conducted in accordance with the WIOA, ADA and the regulations of Section 504 of the Rehabilitation Act of 1973, as amended.

## V. PROCEDURE

- A. Staff who have questions regarding the provision of reasonable accommodation should contact the WDC Local Equal Opportunity Officer.
- B. WorkSource Site administrators/agency leads should work with the WDC Local Equal Opportunity Officer and system Operators when there is need to spend resources to provide accommodations.
- C. Decision regarding whether an accommodation results in an undue hardship must be documented, including the reason for the request for the accommodation, the reason the accommodation would provide an undue hardship, and the ultimate resolution of the issue.
- D. Customers who believe they have been subjected to discrimination should follow the complaint procedure outlined in [WDC Policy A400 Equal Opportunity and Nondiscrimination](#).

- E. The WDC will monitor all one-stop and other service sites to assure that the requirements of this policy are met.

## **VI. REFERENCES**

- Code of Federal Regulations, 29 CFR Part 38 & 29 CFR Part 32
- 2020 Washington State Nondiscrimination Plan, Element V
- United States Congress, Equal Opportunity and Nondiscrimination Provisions of WIOA Section 188
- United States Congress, The Rehabilitation Act of 1973, as amended (P.L.93-112) Section 504.
- Washington Employment Security Department, Equal Opportunity and Nondiscrimination Policy 5402, Revision 3, 3/10/2021.

Supersedes:

- V.3 – 4/19/2019