

GOVERNMENT OF THE DISTRICT OF COLUMBIA

Department of Employment Services



TRANSMITTAL LETTER

DOES Policy No.	Subject	Date
300.20-4	American Job Center Reasonable Accommodation Policy	December 5, 2013
Supersedes:		Notes:
None		None

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 American Job Centers, including persons with disabilities.

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

Applicability. 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

Policy Dissemination and Filing Instructions. DOES managers and supervisors must ensure that DOES staff are informed of this policy and any revisions.

ACTION

REMOVE AND DESTROY

None

INSERT

DOES Policy 300.20-4



Lisa Maria Mallory
Director

GOVERNMENT OF THE DISTRICT OF COLUMBIA

Department of Employment Services



DOES Policy No.	Subject	Date
300.20-4	<i>American Job Center Reasonable Accommodation Policy</i>	<i>December 5, 2013</i>

To enhance mission performance, DOES is committed to promoting a culture founded on the values of integrity, customer service, and team spirit.

1. **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 American Job Centers, including persons with disabilities.

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

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

- A. Registration and orientation
- B. Initial screening, assessments, and testing
- C. Service delivery, including core, intensive, training, and support services
- D. Continuous improvement

3. **AUTHORITIES:**

- A. Workforce Investment Act (WIA) Title I-B
- B. Section 188 of WIA (29 CFR 37.4)
- C. Americans with Disabilities Act of 1973
- D. Section 501 of the Rehabilitation Act of 1973
- E. Section 508 of the Rehabilitation Act Amendments of 1998
- F. D.C. Human Rights Act of 1977, as amended

4. **DEFINITIONS:**

- A. Auxiliary Aid for Effective Communication: The term “auxiliary aid for effective communication” means a technology, individual, skill, formats, strategy, other means, or combination of means employed to provide effective communication.
- B. 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 provider 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).
- C. Undue Hardship: The term "undue hardship" means, with regard to individuals with disabilities, significant difficulty or expense incurred by a provider, when considered in light of the factors set out in the regulations implementing Section 188 of WIA (29 CFR 37.4).
- D. 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.
- E. Providing Effective Communication: The term “providing effective communication” means taking affirmative steps to insure that individuals who have hearing, speech, vision, or cognitive disabilities experience the same access to information and opportunity to express themselves that would be available to a similarly situated individual without a disability, through methods or means that are as effective in conveying the information to and/or from the individual with a disability as those employed with individuals who do not have a disability.
- F. 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.
- G. Reasonable Accommodation: The term "reasonable accommodation" means:
 - a. 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;
 - b. Modifications or adjustments that enable a qualified individual with a disability to receive aid, benefits, services, or training equal to that provided to qualified

American Job Center Reasonable Accommodation Policy

individuals without disabilities. These modifications or adjustments may be made to the environment where aid, benefits, services, or training are given or the customary manner in which, or circumstances under which aid, benefit, service, or training are given;

- c. Modifications or adjustments that enable a qualified individual with a disability to enjoy the same aid, benefits, services, or training as are enjoyed by other similarly situated individuals without disabilities.

H. American Job Center Staff: The term American Job Center staff means any staff located, co-located, or providing itinerant services at an American Job Center. This includes both mandated and non-mandated WIA partners.

5. POLICY AND PROCEDURES:

A. Overview of the reasonable accommodation/modifications

With regard to aid, benefits, services, and training, American Job Centers will provide reasonable accommodations to qualified individuals with disabilities who utilize WIA core and Title I-B program services unless providing the accommodation would cause undue hardship. American Job Centers 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. 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.

In those situations where American Job Center believes that the proposed accommodations/ modification would cause undue hardship/fundamental alteration in the nature of the program, the American Job Center vendor has the burden of proving that the accommodation/ modification would result in such undue hardship/fundamental alteration. If an accommodation/modification would result in undue hardship/fundamental alteration, the American Job Center provider will take any other action but would nevertheless ensure that, to the maximum extent possible; individuals with disabilities receive the aid, benefits, services, and training provided by American Job Centers. If any accommodation would result in undue hardship, American Job Center will give the individual with a disability the option of providing the accommodation.

B. Reasonable accommodation, reasonable modification, and auxiliary aids and services

Accommodations, modification, providing effective communication, and auxiliary aids and services will hereinafter be referred to as “accommodations”.

C. Notice of the availability and right to receive reasonable accommodations

American Job Center must post notice of the availability of reasonable accommodations. This notice should be directed to registrants, applicants, participants, and applicants for

DOES Policy 300.20-4
American Job Center Reasonable Accommodation Policy

employment/employees, sub-providers, and the public. The notice shall include that it is a qualified individual's right to receive reasonable accommodations.

D. Auxiliary aids and services

- a. **Taking steps to ensure effective communication:** American Job Center personnel will take steps to ensure that communications with individuals with disabilities are as effective as communications with others.
- b. **Furnishing Auxiliary aids and services:** American Job Center personnel will furnish appropriate auxiliary aids and services where necessary to afford individuals with disabilities an equal opportunity to participate in, and enjoy the benefits of: core services offered to the general public and the WIA Title I financially assisted programs or activities.
- c. **Providing appropriate signage:** American Job Center personnel will ensure that interested individuals can obtain information as to the existence or location of accessible services, activities, and facilities, including the provision of appropriate signage at the primary entrances to its inaccessible facilities.

E. Receiving requests for accommodations

When a person with a disability makes a request for a reasonable accommodation to any American Job Center representative, the American Job Center is required to respond to that request. American Job Center personnel will be able to recognize such a request and initiate a response to that request through the proper decision making procedures. Request for accommodations, modifications, and/or effective communication are requests that include the following two elements:

- A request for an adjustment or assistance; AND
- An indication that the request might be related to a medical condition or disability.

A request can be made after a customer has already begun to receive the services for which the accommodation is requested. Requests may also be made by a third party such as a relative, friend, counselor or job coach. This is particularly likely when a customer's disability might make it difficult for the individual to make the request independently. However, staff must directly verify with the customer an agreement with the request.

F. Inquiries about disability

If it appears that a qualified individual with a disability may need an accommodation, staff may ask the individual if he or she can participate in a specific aid, benefit, service, or training with or without an accommodation. The individual's response must determine the Center's actions. If the individual indicates that an accommodation is not needed, no further inquiries about the disability may be made. For data collection purposes necessary for customer service and satisfaction improvements, American Job Center staff may ask

DOES Policy 300.20-4

American Job Center Reasonable Accommodation Policy

job seekers if they have a disability when this question is asked of all customers using the center. Job seeking customers are informed that disclosure is voluntary.

G. Reasonable accommodation/modification to service delivery

American Job Center staff will provide appropriate assistance to individuals with disabilities so that they can effectively benefit from core and WIA mandated program services. In order to ensure that individuals with disabilities have the same opportunity to benefit from services that are as effective as those provided to non-disabled customers, modifications may be made to the following:

- a. Eligibility criteria for registration in core, intensive and training services.
- b. WIA Title I-B policies for registration in core, intensive and training services.
- c. Procedures in both accessing core services at the Center and procedures in accessing WIA mandated partner programs.

H. Responsibilities of individuals with disabilities and American Job Center personnel to provide reasonable accommodation, modifications and auxiliary aids and services

The American Job Center personnel will be able to communicate the responsibilities of both the staff and the qualified individual with disability and act accordingly in collecting information in order to provide accommodations.

a. Notice of need for accommodations

A qualified individual with a disability seeking reasonable accommodations, modifications, auxiliary aids and services must inform American Job Center personnel on a timely basis of a need for such accommodation and must submit, upon request, to the American Job Center any reasonable and necessary medical documentation.

b. Notice of right to file a grievance/complaint

Individuals who believe that they have been discriminated against because the American Job Center failed to provide accommodations/modifications may file a complaint with the Equal Opportunity Officer. Information on how to file a complaint will be publicly posted and available in alternative formats.

c. American Job Center preparedness to respond

American Job Center personnel must be informed on how to proceed if an accommodation is requested.

d. Undue hardship

Requests that cannot be provided or which are believed to pose an undue burden or fundamental alteration must be reviewed by the EO Officer. The EO officer or administrative level designee is the only persons with authority to determine undue hardship/fundamental alteration on behalf of the American Job Center. The EO Officer or administrative level designee can make the decision that the

American Job Center Reasonable Accommodation Policy

accommodation would result in undue hardship/fundamental alteration only after considering all factors listed in the federal regulations (29 CFR 37.4).

e. Written statement of denial

A written statement of the reasons for reaching these conclusions will accompany the decision that an accommodation would result in undue hardship/fundamental alteration. The American Job Center will provide a copy of the statement of reasons to the individual who requested the accommodation, modification, auxiliary aid or service.

I. Documentation of requests for reasonable accommodations/verifying a disability

Requesting documentation for a disability can be an impediment to expedient and customer friendly service and therefore should usually be avoided. Documentation of a disability underlying a request for an accommodation should not be requested when:

- a. The request for accommodation falls within the range of adjustments that staff would normally make in providing good customer service for any American Job Center customer.
- b. The disability is apparent. However, there are some instances when such documentation may be necessary. Documentation of the disability underlying a request for an accommodation may be appropriate when:
 - o The disability is not apparent AND the accommodation requested could be of benefit to an individual who does not have a disability.
 - o There is reason to suspect an individual may be attempting to abuse the reasonable accommodation/modification/effective communication process to disrupt or harass the program.
 - o The connection between the disability and the accommodation requested is unclear.

J. A written record must be made of any requests for reasonable accommodations that would require significant resources or preparation.

Written records are made in order to respond effectively to requests, provide justification for decisions about whether or not to make accommodations and/or expenditures pertaining to requests and for the continuous improvement of services to customers with disabilities. In keeping records pertaining to requests for reasonable accommodations, American Job Center personnel should insure that the documentation process does not delay or impede the provision of accommodations. Records must be kept confidential and maintained in a separate, secure file.

K. Decision making authority in responding to requests for reasonable accommodations

DOES Policy 300.20-4
American Job Center Reasonable Accommodation Policy

American Job Center personnel will be able to provide or arrange accommodations on their own authority and initiative in the most expedient and customer friendly way possible. Providing an accommodation should take place at the lowest administrative level that has access to the necessary resources. The denial of an accommodation should require review and decision-making at the administrative level. In the event that a staff person believes that it may be appropriate to seek documentation of a disability underlying a request for accommodation, that staff person should present the recommendation to the designated EO Officer or administrative level designee.

L. Denying a request for a reasonable accommodation

a. The Center may deny a request for a reasonable accommodation that goes beyond the scope of good customer service only on the basis of the following criteria:

- The Center has determined the customer does not have a disability.
- The Center has determined that the absence of the requested reasonable accommodation would not limit the customer's ability to have genuine, meaningful participation in and derive an equal benefit from the Center's aids, benefits, services and training.
- The Center has determined that there is no accommodation that would be effective in improving the customer's ability to have genuine, meaningful participation in and derive an equal benefit from our aids, benefits, services and training.

b. Undue Burden

The Center may limit its obligation to provide any reasonable accommodation if the provision of that accommodation would result in an undue burden or fundamental alteration. A determination of undue burden/fundamental alteration can only be made after taking into consideration the following factors:

- The nature and net cost of the accommodation or modification needed, taking into consideration the availability of tax credits and deductions, and/or outside financial assistance, for the modification
- The overall financial resources of the facility or facilities involved in the provision of the modification, including: The number of persons aided, benefited, served, or trained by, or employed at, the facility or facilities; and The effect the accommodation or modification would have on the expenses and resources of the facility or facilities
- The overall financial resources of the provider, including: The overall size of the provider; The number of persons aided, benefited, served, trained, or employed by the provider; and The number, type and location of the provider's facilities.

DOES Policy 300.20-4
American Job Center Reasonable Accommodation Policy

- The impact of the modification upon the operation of the facility or facilities, including:
 - The impact on the ability of other participants to receive aid, benefits, services, or training, or of other employees to perform their duties; and The impact on the facility's ability to carry out its mission.
- c. The denial of a request for a reasonable accommodation on the basis of undue burden/fundamental alteration will require agreement by the American Job Center Manager, and the Director(s) of pertinent program service providers when involved. After a determination of undue burden/fundamental alteration, the Center must still take any other action which would not result in such burden but which would improve, to the maximum extent possible, the customer's ability to participate in and benefit from the Center's aids, benefits services and training. The Center must also offer to cover the costs of the reasonable accommodation up to the limit of undue burdens and to allow the customer to cover any costs above that threshold.

M. Written notice of denial

- a. Any denial of a request for reasonable accommodation must be communicated to the customer in writing, and in alternate format or with other auxiliary aids for effective communication as appropriate. The written notice of denial must:
- explain the reasons for the denial; inform the customer of his or her rights to file a complaint with the Department of Human Rights;
 - provide instructions for initiating such complaints. A copy of this notice of denial must be provided to the Equal Opportunity Officer.
- b. Additionally, if the denial is based on a determination of undue burden/ fundamental alteration, the written notice of denial must also document that all of the required factors that must be considered in determining undue burden were considered.

N. Confidentiality and disclosure

American Job Center personnel inform individuals that if they have a disability they can choose to disclose and seek reasonable accommodation, reasonable modification, and auxiliary aids and services. Disclosure is voluntary and information regarding disability will be kept confidential. Specific information, including medical information gathered for the purpose of determining the need and arranging for an accommodation for a qualified individual with a disability must be kept confidential and maintained in a separate, secure file that is only available to authorized individuals. Authorized individuals include managers/supervisors, EO personnel, and enforcement agencies. Medical information given to American Job Center staff verbally by a person with a disability is also regarded as confidential and should not be released to without written consent of the person with a disability.

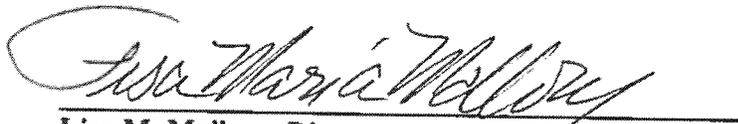
DOES Policy 300.20-4
American Job Center Reasonable Accommodation Policy

6. **ATTACHMENTS:**

- a. American Job Center Assisted Technology Available Devices

7. **EFFECTIVE DATE AND IMPLEMENTATION:** This policy is effective immediately upon signature.

APPROVAL



Lisa M. Mallory, Director

Date 12/5/13

Remove & Destroy: None
Effective Date: Date of Signature
Review Date: Two-Year Anniversary of Signature
Distribution: All DOES Employees
Point-of-Contact: Operations Division, Office of Equal Opportunity, EO.does@dc.gov, 202-671-1900

GOVERNMENT OF THE DISTRICT OF COLUMBIA

Department of Employment Services



American Job Center Assisted Technology Available Devices

Product Name	Purpose	Quantity
AT-216 Personal FM System	Assistive listening device, used to help individuals with impaired hearing	10
Zoom Text Magnifier (CD Version w/ ESP)	Zoom Text Magnifier/Reader is a fully integrated magnification and screen reading program that enlarges, enhances and reads aloud everything on the computer screen.	4
Zoom Text Large-Print Keyboard	Large print keyboard used for individuals with impaired vision.	8
SAPPHIRE Portable Video Magnifier	Portable video screen magnifies letters and words for those with impaired vision.	4
Goldtouch V2 Adjustable Comfort Keyboard	Keyboard uniquely designed to adjust to different body types and alleviate pressure on tendons and align your arms and shoulders in a natural and comfortable position.	4
Logitech Trackman Marble Mouse	Computer mouse used for individuals right or left handed	4
RollerMouse Pro 2	Mouse location directly below the keyboard eliminating the need to reach for the mouse, which can stress your neck, shoulders, elbows and wrist.	4
HealthPostures Surface Taskmate Life Table	Surface TaskMate provides the benefits of changing posture and reducing stress for those who must work while standing in one position.	4