



## REASONABLE ACCOMMODATION POLICY #2006

Original Policy Date: 12/10/2024

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### Purpose

This policy communicates the Workforce Southwest Washington, a local workforce development board, policy and operational guidance on the provision of reasonable accommodation, making reasonable modification to policies, practices, and procedures, and the provision of auxiliary aids and services to individuals with disabilities under the Workforce Innovation and Opportunity Act (WIOA). This policy applies to all programs within the One-Stop System in the Southwest Washington Workforce Development Area comprised of Clark, Cowlitz, and Wahkiakum counties.

### 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).

The objective is to ensure that universal access is a reality for all individuals interested in participating in programs, projects and activities administered through the Southwest One-Stop Delivery System by all One-Stop Partners.

### Policy

- A. Individuals with disabilities will be given a meaningful opportunity to participate in and benefit from aid, benefits, services, or training, including core, intensive, training, follow up, and support services to meet their employment goal(s). This can include the adoption of effective communication strategies for applicants, participants, and the public with a wide range of physical, perceptual, communication, and cognitive abilities.
- B. Reasonable accommodation/reasonable modification/auxiliary aids and services apply to individuals with disabilities regarding:
  - Registration and orientation
  - Initial screening, assessments, and testing
  - Service delivery, including core, intensive, training, and support services
  - Continuous improvement

- C. Facilities must be accessible and usable 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.

An individual with a disability may not be excluded from participating in or be denied the benefits of One-Stop services, programs or activities, or subjected to discrimination by a One-Stop partner because facilities are inaccessible or unusable by individuals with disabilities.

- D. Program accessibility requires the provision of the following to provide individuals with disabilities an equal opportunity to participate in and enjoy the benefits of the program or activity:
- Reasonable accommodation for individuals with disabilities,
  - 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

In determining what types of auxiliary aids and services are necessary primary consideration must be given to the requests of individuals with disabilities.

- E. 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.
- F. 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 individuals, including those 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, staff are required to provide appropriate auxiliary aids and services to 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.

- G. All One-Stop partners are expected to make a reasonable effort to bring 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 need to be knowledgeable about how to provide reasonable accommodation and willing to do so in a positive, culturally appropriate manner.
- H. The need for accommodation/modification must not adversely affect the consideration of an individual with a disability for aid, benefits, services, and training.
- I. In those situations where a One-Stop partner believes that a proposed accommodation/modification would cause undue hardship in the nature of the program, the partner has the burden of proving that the accommodation/modification would result in such undue hardship.

If accommodation/modification is proven to result in undue hardship, the partner will provide an alternative that would not result in undue hardship, but would nevertheless ensure that, to the maximum extent possible, the individual with disabilities receives the aid, benefits, services, and training required to meet their employment goal(s). 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 provide personal services such as assistance with 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. Preemployment/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. Equal Opportunity Guidelines require that no medical or disability information is entered into case notes. Further supported by current version of Data Privacy (PII) and Security Requirements Policy # 2010 Rev 1.

#### **Procedure**

- A. One-Stop partner staff who have questions regarding the provision of reasonable accommodation need to contact the WDC Local Equal Opportunity Officer – Amy Gimlin.
- B. System Leadership and Supervisors must collaborate with the One-Stop Operator and/or Next Director when there is a need to spend resources to provide

accommodation. The One-Stop Operator or Next Director can contact the WDC Local Equal Opportunity Officer if the need arises for additional support.

- C. The decision regarding whether the accommodation results in undue hardship must be documented, including the reason for the request for accommodation, how the accommodation would create an undue hardship, and the ultimate resolution of the issue.
- D. Customers who believe they have been subjected to discrimination are directed to follow the complaint procedure outlined in [WSW Policy 2004 Complaint Resolution, Equal Opportunity and Nondiscrimination](#).
- E. The WDC will monitor all One-Stop and other service sites to ensure that the requirements of this policy are met.

### **Recognizing an Accommodation Request**

It is important for System Partners to recognize a request; the individual may not use the actual words “reasonable accommodation”. Here are examples of what the individual may say:

- “I’m having trouble getting to class on time because of medical treatments I’m undergoing. Is it ok if I am 10 minutes late to class tomorrow?”
- “My wheelchair cannot fit under the computer desk. Do you have a desk where the keyboard raises?”

If staff are not sure whether the individual has requested accommodation, staff should ask the individual to clarify what is being requested and why. The accommodation request needs to be determined on a case-by-case basis. If staff are unsure if the request should be granted, they need to notify their supervisor or One-Stop Operator/Next Director immediately.

Once the accommodation request is identified, the system provider must respond immediately – unnecessary delays in processing the accommodation request can violate the American Disabilities Act.

Reasonable accommodation is about doing things differently to remove barriers and ensure everyone can enjoy equal access to services, training, and programs. Therefore, it is imperative to keep an open mind when exploring accommodation options.

### **Examples of Reasonable Accommodation**

Reasonable accommodation includes but are not limited to:

- 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.
- Acquiring or modifying equipment or devices.

- 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.
- Producing written and on-line materials in formats that are accessible.
- The provision of readers or interpreters.
- Allowing a qualified service animal to accompany the customer.
- Other similar accommodation/modifications for individuals with disabilities.

## Definitions

**Assistive Technology:** Assistive, adaptive, and rehabilitative devices for people with disabilities. The request for assistive technology is a common accommodation request. Some examples include:

- Relay service where an operator reads what the deaf person types and types what a hearing person says.
- Telephone volume controls, larger well-spaced keys.
- Speech recognition software.
- Text-to-speech (TTS) software – JAWS – developed for computer users whose vision loss prevents them from seeing screen content. JAWS reads aloud what is on the PC screen.
- Height-adjustable furniture, footrests, wrist rests and arm support.
- Expanded keyboards with larger, more widely spaced keys.
- Compact and miniature keyboards.
- Large print keyboard with high contrast colors.
- Foot-operated mouse.
- Joysticks, graphics tablets, touchpads, touchscreen, sip-and-puff, eye trackers (allows user to control the mouse with their eyes).
- Keyboard shortcuts and MouseKey substitute keyboarding for mouse actions.
- Predictive text.
- MAGic – screen magnification software helps people with low vision view text and images on a computer screen in large size, while hearing the content spoken through a speech synthesizer.

**Accessibility:** Refers to the design of devices, services, programs, or environments for people with disabilities. The concept of accessible design ensures both “direct access” (i.e., unassisted) and “indirect access” meaning it is compatible with a person’s assistive technology (e.g., computer screen readers).

**Auxiliary aids and services:** Includes but is not limited to: --

- 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 individuals (TDDs), videotext displays, or aurally delivered materials available to individuals with hearing impairments.

- 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.
- Acquisition or modification of equipment or devices.
- Other similar services and actions.

**Individual with a disability:** a person who has a physical or mental impairment that substantially limits one or more major life activity. This includes people who have a record of such impairment, even if they do not currently have a disability. It also includes individuals who do not have a disability but are regarded as having a disability.

**Reasonable accommodation:**

A modification or adjustment that enables an 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 individuals without disabilities. It can include a modification to the physical space and/or service to allow access for an individual with disability.

**Undue hardship:**

Significant difficulty or expense is incurred with respect to the provision of accommodation. Factors that need to be considered when determining whether accommodation presents an undue hardship may include:

- The nature and cost of the accommodation, taking into consideration resources that can offset the cost.
- The overall financial resources of the organization(s) providing the accommodation, including:
  - the overall size of the organization(s),
  - the number of individuals aided, benefited, served, trained, or employed by the organization(s), and
  - then number, type and location of the organization’s facilities.

The cost of the accommodation can be a shared cost across One-Stop partners.

- 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 other employees to perform their duties.
- Impact on the facility’s ability to carry out its mission.

**References/Resources**

- Code of Federal Regulations, 29 CFR Part 38 & 29 CFR Part 32
- Washington State Nondiscrimination Plan

- 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.
- [DOL Office of Disability Employment](#)
- [JAN Workplace Accommodation Toolkit](#)
- [A to Z of Disabilities and Accommodations](#)

**Website**

<http://workforcesw.org/providers#OperationsPolicies>

**Inquiries**

Please contact Amy Gimlin, Local Equal Opportunity Officer at [agimlin@workforcesw.org](mailto:agimlin@workforcesw.org) or (360) 567-1059.