

REASONABLE ACCOMMODATION/MODIFICATION POLICY – CWDB (Including Religious Accommodation)

Purpose: To provide both a (1) Reasonable Accommodation/Modification policy and a (2) Reasonable Accommodation request denial appeal process for Missouri Job Center customers, applicants, registrants, participants, Job Center staff, partner staff and Central Workforce Development Board staff.

ORIGINAL DATE: 07/2013
REVISION DATE: 04/2020

It is the policy of the Central Workforce Development Board (CWDB), its subcontractors, and partner agencies to comply with WIOA Section 188, 29 CFR Part 38 and the Americans with Disabilities Act. CWDB and Missouri Job Center are committed to the fair and equal treatment of customers, applicants, registrants, program participants and employees with disabilities.

Public customers, applicants, registrants, program participants and staff with disabilities shall be provided reasonable employment and training related accommodations when necessary, unless an accommodation should impose an undue hardship. Circumstances when reasonable accommodations must be provided include application, membership, career services, training services and support services. In addition to each Partner Agency's policies, the following Missouri Job Center policy must be followed in regard to reasonable accommodations for the public, customers, partner and Job Center staff, and WDB employees.

The Americans with Disabilities Amendments Act of 2008 (ADAAA), as well as the Office of Workforce Development (OWD) Issuance 33-2017, defines **Disability**, with respect to an individual as:

- A physical or mental impairment that substantially limits one or more of the major life activities of such individual;
- a record of such impairment; or
- being regarded as having such an impairment.”

OWD Issuance 33-2017 defines **Reasonable Accommodation** as:

- Modifications or adjustments to a job application process that enable a qualified applicant with a disability to be considered for the position such as qualified applicant desires: or
- Modifications or adjustments to the work environment, or to the manner or circumstances under which the position held or desired is customarily performed, that enable a qualified individual with a disability to perform the essential functions of that position; or
- Modifications or adjustments that enable a covered entity's qualified employee with a disability to enjoy equal benefits and privileges of employment as are enjoyed by its other similarly situated employees without disabilities.

OWD Issuance 33-2017 states an *Undue Hardship* exists if an accommodation:

- *Would cause an employer to incur significant difficulty or expense, in comparison to the financial resources available to the employer;*
- *Is overly extensive, substantial, or disruptive or would alter the nature or operation of the business;*
- *Would cause a lack of necessary staffing; or*
- *Would jeopardize security or health.*

An employer is not obligated to make an accommodation that would cause an "undue hardship."

Process for Public Customer, Applicant, Registrant and Participant request for accommodations/modifications:

Accommodations and assistive technology currently offered through the Central Region Missouri Job Centers to ensure that the public and customers have access to employment and training opportunities include: accessible parking, entrance ramps, electronic door openers, lowered counters, adjustable height desks and various assistive technology devices. Assistive technology for customers with disabilities needed to attend workshops or participate in programs or receive services can possibly be provided upon request via the Missouri Assistive Technology “Equipment Technology Consortium (ETC)”, a short term equipment loan program. In addition, reasonable accommodations include, but are not limited to:

- Making facilities that are not otherwise required to comply with Federal accessibility standards physically accessible to people with disabilities (for example, installing ramps, rest room grab bars, signage, etc.)
- Restructuring of job or training tasks, such as reallocating non-essential typing, telephone or other clerical assignments among employees, assignment of non-essential job tasks to others or eliminating non-essential tasks, etc.
- Modifying schedules
- Providing or modifying equipment, devices or materials, for example, raising or lowering an adjustable height desk for a wheelchair user, providing flashing lights and volume controls on intercoms and telephones, installing text telephones (TTY), providing large-print computer display programs or materials in alternative formats, including Braille, audio recording or enlarged print, etc.
- Providing qualified readers, interpreters, or other supportive services for all aspects of programs and activities
- Permitting the individual with a disability to use aids or services that the program is not otherwise required to provide. For example, although a program generally would not be required to provide a motorized scooter to an individual with mobility impairment, reasonable accommodation may include providing an area in which to stow such a mobility aid, if necessary.
- Further information on Job Center disability accommodations and resources can be found at jobs.mo.gov/dwde0#Disability%20Accommodations%20Resources.

At time of registration, customers have access to signage near the reception desks at Central Region Job Centers containing information regarding disability disclosure and request for accommodations. Please see the first attachment at the end of this policy, entitled “Why do you ask if I have a disability”? This document should be printed and visible to customers at each reception desk.

Customers, applicants, registrants, participants and applicants for employment may request reasonable accommodations through any Job Center staff member. While it is ultimately the responsibility of each customer to ask for an accommodation, *welcome staff will ask every new customer that visits the Job Center if they need any type of accommodation.*

Accommodations can be simple, but most importantly, should be offered in response to *any request or customer identified need*. Examples of simple accommodations might include holding a spot in line for a customer who has difficulty standing for long periods, taking notes for a customer during a Job Center workshop, adjusting table height for a customer with physical disability, or providing a quiet work area. In many cases, accommodations may require staff to “think outside the box” or research accommodation

resources. Because there are sometimes multiple options for a reasonable accommodation, the individual making the request and Job Center staff should work together to identify the most effective accommodation using the “interactive process”. Through informal discussion, individuals are provided the opportunity to articulate their needs and staff are able to determine how best to meet those needs. It is important to note that a customer request can be made in “plain language” and need not mention the Americans with Disabilities Act, the Rehabilitation Act, or even use the phrase “reasonable accommodation”. As such, the request does not have to be in writing, and may be made by a family member, friend, or other representative on the customer’s behalf.

In the event that a request for accommodation cannot be readily identified or determined as the most effective or reasonable by front-line staff, the request should go directly to the Job Center Functional Leader. Our region wide goal is to provide effective accommodations as quickly as possible; however, if the Functional Leader is unable to make a determination based on cost or other factors, the request should go directly to the Central Workforce Development Area Executive Director’s Equal Opportunity Office in writing. The Executive Director or HR department will then make a determination as quickly as possible.

In limited circumstances, the Job Center may not be required to provide a reasonable accommodation or modification, if it is established that doing so would result in undue hardship or fundamental alteration of the nature of the service, program or activity. Should a denial of original request occur, the program must propose an alternative accommodation or modification that will ensure that, to the maximum extent possible, the person with a disability receives the aid, benefits, services, or training offered by the program. In such a case, the original requestor will be notified by the local Equal Opportunity Officer in writing, which will include the process by which an appeal may be submitted. Any such appeal of determination should be sent directly to the Workforce Development Area Executive Director, which will be forwarded to the Central Region Workforce Development Board of Directors - Disability Subcommittee for review and determination. The “Accommodation Request Appeal” form attached to this policy may be used.

Process for contracted and partner staff request for accommodations/modifications:

Individuals desiring reasonable accommodations or modifications, including applicants for employment, shall follow the process established by their respective agency/employer of record in compliance with WIOA Section 188, 29 CFR Part 38 and Americans with Disabilities Amendments Act of 2008 (i.e. completing any necessary forms, submitting any medical documentation, etc.)

- Any request for reasonable accommodation(s) by contracted/partner staff shall be made to the respective agency employer of record, and copied to the Director of Workforce Development’s Equal Opportunity Office.
- The attached “Request for Accommodation/Building Evacuation” form may be used for this request (**including religious accommodations**) in the event the employer of record does not have a form.
- The respective agency/employer of record shall make the determination whether or not the individual meets the criteria for requesting reasonable accommodations.
- The respective agency/employer of record will contact and work in conjunction with the Director of Workforce Development’s Office to identify reasonable accommodations that would meet the individual’s needs without undue hardship on other employees or the Job Center.
 - If more than one of these accommodations will enable the individual to perform the essential functions or if the individual would prefer to provide his or her own accommodation, the preference of the individual with a disability should be given primary consideration. However,

the employer providing the accommodation has the ultimate discretion to choose between effective accommodations, and may choose the less expensive accommodation or the accommodation that is easier for it to provide.

- Appeals of determination shall be made in writing to the Executive Director of the respective employer of record, and copied to the Central Workforce Development's Equal Opportunity Office. In the event that the respective employer of record does not have an appeal form available, the Central Workforce Development Board "Accommodation Request Appeal" form accompanying this policy may be utilized.

Process for Central Workforce Development Board staff request for accommodations/modifications:

- Central Workforce Development Board staff and job applicants requesting reasonable accommodations may submit a request orally or in writing, along with medical documentation, to the CWDB Equal Opportunity Officer. The attached "Request for Accommodation/Building Evacuation" form may be used for this request (**including religious accommodations**). Oral requests shall be followed up in writing. The request shall identify location, need for accommodation, and type of accommodation requested. As promptly as possible, CWDB will make a determination, taking into account any possible undue hardship. All possible accommodations will be considered.
- If more than one of these accommodations will enable the individual to perform the essential functions or if the individual would prefer to provide his or her own accommodation, the preference of the individual with a disability should be given primary consideration. However, the employer providing the accommodation (CWDB) has the ultimate discretion to choose between effective accommodations, and may choose the less expensive accommodation or the accommodation that is easier to provide.
- Appeals of determination shall be submitted using the "Accommodation Request Appeal" form (attached) to the CWDB Executive Director, which will be forward to the Central Region Workforce Development Board of Directors – Disability Subcommittee for review and determination.

Confidentiality:

Medical information obtained in connection with the reasonable accommodation process must be kept confidential. This means all medical information obtained by the Job Center, subcontracted, partner or CWDB staff in connection with a request for a reasonable accommodation must be kept in a separate file from the individual's participant or personnel files. This includes the fact that a reasonable accommodation has been requested or approved and information about functional limitations. All instruction and guidance regarding confidentiality and record keeping provided for in [DWD Issuance 13-2016: Confidentiality and Information Security](#), and [DWD Issuance 02-2017: Statewide Service Note Policy](#) must be followed.

Distribution: All subcontractor, partner and WDB staff at each Job Center in the Missouri Central Region.

By my signature I acknowledge that I have read and agree to abide by the Central Region Workforce Development Board Reasonable Accommodations policy.

Signature

Date

Attachments (forms):

1. “Why Do You Ask If I Have a Disability”
2. Request for Accommodation/Building Evacuation
3. Accommodation Request Appeal

Why do you ask if I have a disability?

One in five Americans has a disability. For our purposes, if you meet the Americans with Disabilities Act definition of disability, you can choose to answer yes to the question, “Do you have a disability?” You do not have to meet the Social Security Disability level of disability to answer yes to this question.

Examples of disabilities include, but are not limited to: (not a complete listing, meant to provide example of potential qualifying conditions)

*Heart Conditions	*Cancer	* Epilepsy	* Missing Limbs	* Mobility Impairments	* Diabetes
* Vision Impairments	*Autism	* Chronic Pain	*Cerebral Palsy	* HIV Infection	* Lupus
* Hearing Impairments	* M.S.	* Crohn’s Disease	* Hypothyroidism	*COPD	*ADD/ADHD
* Rheumatoid Arthritis	* Bipolar Disorder	*Kidney Disease	*Arthritis	*Migraine Headache	*OCD

A disability is defined as “an impairment that substantially limits one or more major life activities, a record of such an impairment, or being regarded as having such an impairment.” Major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.

The decision to disclose your disability is voluntary. At the Missouri Job Center, our job is to do our best to help you get to work. People who have disabilities often have a harder time finding work and staying employed. If we know you qualify for extra resources to help you to find work and stay employed, we can help connect you to those resources. We do not share this information with employers.



If you need any type of accommodation or modification at the Missouri Job Center, please let a staff member know. If a requested accommodation is not provided, please contact:

**Korin Ell—Equal Opportunity Officer
(573)426-5037 or Korin.ell@cwib.us**

Central Workforce Development Board and Missouri Job Center are equal opportunity employers/programs. Auxiliary aids and services are available upon request to individuals with disabilities. Missouri Relay Service at 7-1-1.

REQUEST FOR ACCOMMODATION/ BUILDING EVACUATION

Request must be completed by the supervisor and the applicant or employee involved in the request. The applicant/employee and the supervisor must sign the form. A copy should be given to the applicant/employee and a copy must be maintained in the confidential medical records of the CWIB Human Resources Department.

This form is also used to request special accommodations needed to evacuate the building. In the event of an emergency, elevators may not be operating. If you need special accommodations to evacuate or be evacuated from the building, complete this form. It is the responsibility of the Equal Opportunity Officer to maintain and forward this information to the designated building safety coordinator/functional leader.

SECTION A – IDENTIFYING INFORMATION

POSITION INFORMATION *(Attach list of essential functions)*

1. Job Title/Position	2. Central Office Section/Local Office
3. Location	

PERSONAL INFORMATION *(To be completed by applicant/employee)*

1. Name	2. Telephone Number ()
3. Description of requested accommodation(s): _____	
4. Accommodation(s) requested for safe building evacuation: <i>If employee is seeking accommodation for safe building evacuation ONLY, skip section B(1) and (2).</i> _____	
5. Accommodation is necessary because: <i>(Attach appropriate documentation)</i> _____ _____ _____	
Applicant/Employee Signature	Date

SECTION B – SUPERVISOR'S EVALUATION

1. I have discussed the essential functions of the position with the applicant/employee and identified that an accommodation may be required to perform one or more of those functions. I have discussed the following with the applicant/employee:

2. The specific functional limitations that the disability imposes in relation to the essential functions of the job are:

SECTION B – SUPERVISOR’S EVALUATION (Continued)

3. Technical Assistance Sought:

4. Options Considered:

5. Applicant/Employee Preference:

6. Accommodation(s): Recommended Not Recommended

Supervisor Signature

Date

SECTION C – ACCOMMODATION APPROVAL/DISAPPROVAL

1. Following recommended reasonable accommodation **approved**:

2. Following accommodation has been requested and **not approved**:

3. Reason(s) for not applying accommodation(s):

Division/Agency Director Signature

Date

Attach Additional Pages or Documents As Needed

Central Region Workforce Investment Board is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. Missouri Relay Services at 711.



Central Workforce Development Board

Subject	Issued	Revised	Policy Section
Accommodation Request Appeal	12/2016	No Current Revisions	Equal Opportunity

Please complete this form in order to file an appeal regarding the determination for an accommodation. Submit this document directly to the Central Workforce Development Board Executive Director within 30 days of the original determination along with any supporting documentation. If there is not enough space on this document, attach pages as needed. For questions, please contact the local Equal Opportunity Officer.

Employee Information

Name:	
Job Title:	
Employer of Record or Division:	
Work Location:	
Supervisor's Name:	

Accommodation Requested:



Central Workforce Development Board

Subject	Issued	Revised	Policy Section
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Appeal Reasons:



Central Workforce Development Board

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I certify that the information I have provided is true and accurate to the best of my knowledge. I understand that any misrepresentation may be cause for disciplinary action, up to and including termination.

Employee Name (Please print)

Work Telephone

Signature

Date

Central Workforce Development Board Contact	
Amy Sublett Executive Director CWDB 1107 Kingshighway Rolla, MO 65401	
Phone:	(573) 426-6030
Fax:	(573) 364-7130
Email:	amy.sublett@cwib.us