

ACCOMMODATIONS & ACCESSIBILITY POLICY

ARIZONA@WORK -Yuma County

Approval Date: January 9, 2022

Revised: August 2023 (New State EO Officer)

Authorized by:

Yuma County Workforce Development Board

I. PURPOSE

This policy provides guidance for providing Accessibility and Accommodations to individuals with disabilities who may need and request such provisions to participate in activities funded by the Workforce Innovation and Opportunity Act (WIOA). WIOA emphasizes physical and programmatic accessibility, including the use of accessible technology to increase access to high quality workforce services to individuals with disabilities.

II. SCOPE

This policy applies to all entities administering or receiving funds under WIOA Title 1, hereinafter referred to as “recipients”.

III. POLICY

No individual is to be excluded from participation in, denied benefits of, subjected to discrimination under, or denied employment in the administration of or in connection with, any program or activity, funded in whole or in part under WIOA, because of race, color, religion, sex, national origin, age, disability, political affiliation or belief. This policy reflects all aspects of the WIOA Title 1B programs, including: Registration and orientation; initial screening, assessment, testing; and service delivery.

Prohibition on the Basis of Disability

All recipients in Yuma County are required to provide **physical and programmatic accessibility** and **reasonable accommodation and/or modification** in regard to the WIOA program, as required by Section 504 of the Rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act of 1990, as amended, and Section 188 of WIOA.

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WIOA Physical Accessibility

In order to be ready and welcoming when persons with disabilities seek services, advance preparatory actions must be taken. Specific information on ADA accessibility guidelines for buildings and facilities is provided on the Internet at <http://www.access-board.gov/guidelines-and-standards/buildings-and-sites/about-the-ada-standards/ada-standards>. Some areas to particularly note include:

- Signage
- Accessible Counters
- Automatic and Power
- Accessible Restrooms Doors
- Accessible Workstations
- Obstacle Free Entrance
- Space in Waiting Room for People Using Wheelchairs
- 32-inch Clear Opening on Door
- 36-inch Clear Path of Travel

The above is only a sampling of considerations. Accessibility is an on-going process. However, all of the ADA technical requirements must be applied during the design, construction, and alteration of buildings and facilities.

Under WIOA, recipients that receive Federal financial assistance must meet accessibility obligations under Section 504 of the Rehabilitation Act of 1973, and the implementing regulations at 29 CFR 38; this includes physical accessibility and programmatic accessibility.

Program Accessibility

When providing aid, benefits, or services under a WIOA Title IB financially assisted program or activity, a recipient **must not** directly or through contractual, licensing, or other arrangements, on the ground of disability:

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1. Deny a qualified individual with a disability the opportunity to participate in or benefit from the aid, benefits, services, or training;
2. Afford a qualified individual with a disability an opportunity to participate in or benefit from the aid, benefits, services, or training that is not equal to that afforded others;
3. Provide a qualified individual with a disability with an aid, benefit, service or training that is not as effective in affording equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as that provided to others;
4. Provide different, segregated, or separate aid, benefits, services, or training to individuals with disabilities, or to any class of individuals with disabilities, unless such action is necessary to provide qualified individuals with disabilities with aid, benefits, services or training that are as effective as those provided to others;
5. Deny a qualified individual with a disability the opportunity to participate as a member of planning or advisory boards; or
6. Otherwise limit a qualified individual with a disability in enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving any aid, benefit, service or training.

Separate or different programs or services for individuals with disabilities are not prohibited under the ADA; however individuals with disabilities cannot be forced to participate in these programs instead of WIOA Title I financially assisted programs or activities.

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Reasonable Accommodations

With regard to aid, benefits, services, training, and employment, a recipient must provide reasonable accommodation to qualified individuals with disabilities who are applicants, registrants, eligible applicants/registrants, participants, employees, or applicants for employment, unless providing the accommodation would cause undue hardship. Definitions of the terms “reasonable accommodation” and “undue hardship” are specified in 29 CFR § 38.4.

Per 29 CFR Part 38.4) the term “**reasonable accommodation**” means:

- 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, training or employment that the qualified applicant/registrant desires; or
- Modifications or adjustments that enable a qualified individual with a disability to perform the essential functions of a job, or 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 work is performed or aid, benefits, services, or training are given; or
 - The customary manner in which, or circumstances under which, a job is performed or aid, benefits, services, or training are given;
- Modifications or adjustments that enable a qualified individual with a disability to enjoy the same benefits and privileges of the aid, benefits, services, training, or employment as are enjoyed by other similarly situated qualified individuals without disabilities.

Reasonable Accommodation includes but is not limited to:

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- Making existing facilities used by applicants, registrants, eligible applicants/registrants, participants, applicants for employment, and employees readily accessible to an usable by individuals with disabilities; and
- Restructuring of a job or a service, or of the way in which aid, benefits, services, or training is/are provided; part-time or modified work or training schedules; 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 for individuals with disabilities.

To determine the appropriate reasonable accommodation, it may be necessary for the recipient to initiate an informal, interactive process with the qualified individuals with a disability in need of the accommodation. This process should identify the precise limitations resulting from the disability and potential reasonable accommodations that could overcome these limitations.

A recipient is required, absent undue hardship, to provide a reasonable accommodation to an otherwise qualified individual who has an “actual disability” or “record of” a disability, but is not required to provide a reasonable accommodation to an individual who is only regarded as “having a disability”.

The ADA defines a “**disability**” with respect to an individual to mean:

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

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Auxiliary Aids, Services and Assistive Technology

To afford individuals with disabilities an equal opportunity to participate in and enjoy the benefits of the WIOA Title I program or activity, a recipient must furnish appropriate auxiliary aids or services where necessary. In order to be effective, auxiliary aids and services must be provided in accessible formats in a timely manner, in such a way as to protect the privacy and independence of the individual with a disability.

In determining what type of auxiliary aid or service is appropriate and necessary, recipients must give primary consideration to the requests of the individual with a disability. Primary consideration means honoring the choice unless the agency can demonstrate that another equally effective means of communication is available, or that using the means chosen would result in a fundamental alteration in the service, program, activity, or undue financial and administrative burdens.

A list of auxiliary aids and services can be found in 29 CFR § 38.4, and includes:

- Qualified interpreters, note-takers, transcription services, written materials, telephone handset amplifiers, assistive listening systems, telephones compatible with hearing aids, closed caption decoders, open and closed captioning, telecommunications devices for deaf persons (TDDs/TTYs), videotext displays, or other effective means of making aurally delivered materials available to individuals with hearing impairments;
- Acquisition or modification of equipment or devices; and
- Other similar services and actions.

A recipient must not place a surcharge on a particular individual with a disability, or any group of individuals with disabilities, to cover the costs of measures associated with providing auxiliary aids, services, or assistive technology, that are required to provide that individual or group with the nondiscriminatory treatment required by WIOA Title I.

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This obligation does not require a recipient to provide personal devices, such as wheelchairs; prescribed devices, such as prescription eyeglasses or hearing aids; or readers for personal use or study.

Confidentiality

Medical information obtained in connection with the reasonable accommodation process must be kept confidential. This means that all medical information that is obtained in connection with the request for a reasonable accommodation must be kept in a separate file from the individual's electronic case file or personnel file. This includes the fact that a reasonable accommodation has been requested or approved and information about functional limitations. These confidentiality guidelines must be followed by all staff involved in the process.

III. PROCEDURE

Reasonable Accommodations

One key aspect of ensuring equal opportunity for individuals with disabilities who are applicants, registrants, participants and applicants for employment with regard to aid, benefits, and training is the provision of reasonable accommodations.

ARIZONA@WORK-Yuma County system entities are required to provide reasonable accommodations for individuals with disabilities to ensure equal access and opportunity. A reasonable accommodation is a change in the way the program is administered that enables an individual with a disability to receive benefits, services and training equal to those provided to individuals without disabilities. There are many forms of reasonable accommodations and the individual with a disability and the ARIZONA@WORK-Yuma County system entities should work together to identify the most effective reasonable accommodation for each individual through informal discussions known as the "interactive process" whereby the individual is provided the opportunity to articulate their needs and the ARIZONA@WORK-Yuma county system entities are able to determine how best to meet those needs.

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Instructions to Staff for Processing Requests for Accommodation by Customers (Applicants, Registrants, Eligible Applicants/Registrants, Participants)

Staff *shall not* automatically refer job seekers with disabilities to State Vocational Rehabilitation programs. Referrals must be based on whether the individual would benefit from such services, in addition to the other programs and services available in the ARIZONA@WORK-Yuma County system. An individual with a disability is not required to use the term “reasonable accommodation” when seeking assistance. The process of identifying and providing a reasonable accommodation should be done as quickly as possible to avoid delaying access to services.

The poster “Notice of Reasonable Accommodation” and “Reasonable Accommodation Request Form” shall be prominently displayed in access areas of each center.

The proper steps to follow in processing requests for reasonable accommodation are:

1. The “Customer Reasonable Accommodation Request Form” shall be available at the front counters of each ARIZONA@WORK-Yuma County recipient, and at each WIOA Case Manager’s work station. **Should the customer need assistance in completing the form, the local office manager or his/her designee will provide the necessary assistance in completing the form.**
2. After completion, of the “Customer Reasonable Accommodation Request Form”, **it must immediately be sent to the Local EO Officer and appropriate field supervisor via scan-to-secured email, fax or it may be delivered in person.** The local office manager or his/her designee will immediately review and assess the type of accommodation being requested, on a case-by-case basis.
3. Should the local office manager or his/her designee need assistance in assessing the appropriate accommodation, he/she are directed to contact the One Stop Operator for assistance and coordination. Absent the One Stop Operator, the Local EO Officer or State EO officer may be contacted.

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Requests for accommodation do not have to be submitted in writing as the request for accommodation may be made by a family member, friend, or other representative on the individual's behalf. If a person requesting reasonable accommodation/modification does not wish to complete the "Customer Accommodation Request Form", staff is required to complete the form so that the Local EO officer and the proper administrative authority are notified of the request and can conduct follow-up as necessary.

In the event the request is denied, the denial will need to be approved by the Local EO officer. The Local EO Officer may confer with the State EO Officer before approving the denial.

CONTACT INFORMATION

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Local Equal Opportunity Officer
3834 W 16th Street, Yuma, AZ 85364
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TTY: 7-1-1
E-mail: amcbride@ypic.com

Monica Sheble, Administrator
State WIOA EO Officer
Office of Equal opportunity
Department of Economic Security
1717 W Jefferson Ave MD 1119
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REFERENCES:

Law

Workforce Innovation and Opportunity Act (WIOA) of 2014
Americans with Disabilities Act of 1990
Americans with Disabilities Amendments Act of 2008 (ADAA)
Rehabilitation Act of 1973, as amended, Section 504

Federal Guidance

Section 188 (Part 29 CFR 38)
[Promising Practices in Achieving Universal Access and Equal Opportunity A section 188 Disability reference guide](#)
[LEAD Center Summary review of the DOL Final Rule, from a Disability Perspective](#)

AZ State WIOA Title 1B programs EO Officer Review

I, _____, hereby attest that I have reviewed this policy and I understand the contents.

Signature

Date