

## Jefferson/Franklin Consortium Accommodation Policy

It is the policy of the Jefferson/Franklin Consortium and its subrecipients to comply with the Americans with Disabilities Act, 29 CFR 38 and Section of WIOA. Jefferson/Franklin Consortium is committed to the fair and equal employment of people with disabilities.

Jefferson/Franklin Consortium and its subrecipients do not discriminate against qualified job applicants, employees, participants, or any member of the public with disabilities regarding job application procedures, hiring, employee compensation, advancement, training, discharge or other terms, conditions and privileges of employment, WIOA enrollments/placements or WIOA funding.

Job applicants and employees with disabilities shall be provided reasonable employment-related accommodations, when necessary, unless the accommodation would impose an undue hardship. This policy provides guidelines for individuals who wish to apply for reasonable accommodations with Jefferson/Franklin Consortium and its subrecipients.

The Office of Job Training Programs (OJTP) and its subrecipients shall ensure that reasonable accommodations and modification are available to individuals with disabilities.

**Disability:** means, with respect to an individual,

- 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
- Is regarded has having such an impairment.

With regard to any aid, benefit, service, training, and employment, a recipient must provide reasonable accommodations 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.

**Reasonable accommodation:** The term *reasonable accommodation* means;

- 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 employee with a disability to enjoy equal benefits and privileges of employment as are enjoyed by its other similarly situated employees without disabilities

In those circumstances where a recipient believes that the proposed accommodation would cause undue hardship, the recipient has the burden of proving that the accommodation would result in such hardship. The recipient must make the decision that

the accommodation would cause such hardship only after considering all factors listed in the definition of “undue hardship”

**Undue hardship:** 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.”

The decision must be accompanied by a written statement of the recipient's reasons for reaching that conclusion. The recipient must provide a copy of the statement of reasons to the individual or individuals who requested the accommodation.

If a requested accommodation would result in undue hardship, the recipient must, after consultation with an individual with a disability (or individuals with disabilities), take any other action that would not result in such hardship, but would nevertheless ensure that, to the maximum extent possible, individuals with disabilities receive the aid, benefit, service, training, or employment provided by the recipient.

With regard to any aid, benefit, service, training, and employment, a recipient must also make reasonable modifications in policies, practices, or 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.

**Fundamental alteration** means:

- A. A change in the essential nature of a program or activity as defined in this part, including but not limited to an aid, service, benefit, or training; or
- B. A cost that a recipient 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 such a burden include:
  1. The nature and net cost of the modification needed, taking into consideration the availability of tax credits and deductions, and/or outside financial assistance, for the modification;
  2. The overall financial resources of the facility or facilities involved in the provision of the modification, including:
    - a. The number of persons aided, benefited, served, or trained by, or employed at, the facility or facilities; and
    - b. The effect the modification would have on the expenses and resources of the facility or facilities;
  3. The overall financial resources of the recipient, including:
    - a. The overall size of the recipient;

- b. The number of persons aided, benefited, served, trained, or employed by the recipient; and
  - c. The number, type and location of the recipient's facilities;
- 4. The type of operation or operations of the recipient, including:
  - a. The geographic separateness and administrative or fiscal relationship of the facility or facilities in question to the recipient; and
  - b. Where the modification sought is employment-related, the composition, structure and functions of the recipient's workforce; and
- 5. The impact of the modification upon the operation of the facility or facilities, including:
  - a. The impact on the ability of other participants to receive aid, benefit, service, or training, or of other employees to perform their duties; and
  - b. The impact on the facility's ability to carry out its mission.

In those circumstances where a recipient believes that the proposed modification would fundamentally alter the program, activity, or service, the recipient has the burden of proving that the modification would result in such an alteration. The decision must be accompanied by a written statement of the recipient's reasons for reaching that conclusion. The recipient must provide a copy of the statement of reasons to the individual or individuals who requested the modification.

If a modification would result in a fundamental alteration, the recipient must take any other action that would not result in such an alteration, but would nevertheless ensure that, to the maximum extent possible, individuals with disabilities receive the aid, benefits, services, training, or employment provided by the recipient.

### **Accommodation Request Procedure for Job Center Customers/WIOA Participants**

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1. Individuals may request an accommodation by informing any job center staff of their needs.
2. If job center staff need assistance in providing an accommodation, they will complete Jefferson/Franklin Consortium Accommodation Request- (Attachment #1) and submit the request to the Local Equal Opportunity (EO) Officer.
3. To evaluate whether the request for an accommodation presents an undue hardship, the Local EO Officer may:
  - Discuss the requested accommodation with the individual.
  - Identify/evaluate potential accommodations and assess the effectiveness each would have in allowing the individual to perform the essential functions of the request. While an individual's preference will be given consideration, OJTP is free to choose among equally effective accommodations and may choose the one that is less expensive or easier to provide.
  - Through discussion with the One Stop Coordinator, assess whether the accommodation presents an undue hardship.

## **Accommodation Request for Employees**

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1. Employees may request an accommodation by completing Jefferson/Franklin Consortium Accommodation Request- (Attachment #1) and submitting it, along with supporting medical documentation, if applicable, to Human Resources. Employees may request accommodations verbally or in writing; however, Human Resources requests that, whenever possible, employees utilize the Accommodation Request Form.
2. To determine if the employee is a qualified individual with a disability and evaluate whether the request for an accommodation presents an undue hardship, Human Resources may:
  - a. Discuss the requested accommodation with the employee.
  - b. Discuss the purpose and essential functions of the job involved with the supervisor/manager and the employee.
  - c. Identify/evaluate potential accommodations and assess the effectiveness each would have in allowing the individual to perform the essential functions of the job. While an individual's preference will be given consideration, OJTP is free to choose among equally effective accommodations and may choose the one that is less expensive or easier to provide.
  - d. Through discussion with the One Stop Coordinator, assess whether the accommodation presents an undue hardship.
3. Human Resources has a right to seek medical verification of the disability, work restrictions, and medical need for accommodation.
4. If the disability or need for accommodation is not obvious, Human Resources may ask the employee to provide supporting documents showing that the employee has a disability within the meaning of the ADA and applicable state or local laws, and that the disability necessitates a reasonable accommodation.
5. Human Resources has the right to deny the accommodation request if it is determined by Jefferson/Franklin Consortium that the employee is not fully cooperating with Human Resources during the process.

## **Accommodation Request Procedure for Job Applicants**

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1. The job applicant shall inform Human Resources of the need for an accommodation, preferably in writing to participate in the interview and or testing process.
2. Human Resources will discuss the requested accommodation and possible alternatives with the applicant.
3. Human Resources will discuss the interview and/or testing accommodation request with Departmental staff when applicable to determine if the accommodation request presents an undue hardship.

4. Human Resources will decide regarding the interview and/or testing request for accommodation and, if approved, take the necessary steps to see that the accommodation is provided.
5. If offered a position, the job applicant shall inform Human Resources of the need for an employment accommodation, preferably in writing, to perform the essential job responsibilities.
6. Human Resources will discuss the requested employment accommodation and possible alternatives with the applicant.
7. Human Resources will discuss the employment accommodation request with Departmental staff and assess the impact to the essential job functions and determine if the accommodation creates an undue hardship.

### **Funding for Accommodations**

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Funding for accommodations that do not cause an undue hardship must be agreed to and approved by the One-Stop Coordinator.

### **Employee Appeal Process**

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Employees or individuals who are dissatisfied with the decision(s) pertaining to his/her accommodation request may file an appeal with the Equal Opportunity Officer within 30 days of the decision for a final decision.

The Accommodation Request Appeal form may be obtained by contacting the Local EO Officer.

If any individual believes he or she is the victim of discrimination or retaliation, he or she may file a complaint with the:

- Missouri Commission on Human Rights; or
- U.S. Equal Employment Opportunity Commission; or
- Director, Civil Rights Center; or
- Danielle Smith, State Equal Opportunity Officer (if position is funded through WIOA); or
- Leanna Eckhoff, Local WIOA Equal Opportunity Officer (if position is funded through WIOA).