

West Central Region Local Policy			
Subject	Effective Date	Revision	Policy Section
Job Center Customer Accommodation	5/27/2020	2	Equal Opportunity

**Reference: OWD Issuance 33-2017**

It is the policy of the Workforce Development Board of Western Missouri, Inc. (WDB) that the West Central Region Missouri Job Centers comply with the Americans with Disabilities Act. Additionally, the WDB and the West Central Region Missouri Job Centers are committed to complying with the Title VI of the Civil Rights Act of 1964 (Title VI), which prohibits discrimination in programs and activities receiving federal financial assistance. This WDB and West Central Missouri Job Centers may receive requests for accommodations based upon a disability.

WDB and the West Central Region Missouri Job Centers are committed to the fair and equal service delivery. With regard to any aid, benefit, service, training, and employment, the WDB and the West Central Region Missouri Job Centers will provide reasonable accommodations and reasonable modifications for individuals who are applicants, registrants, eligible applicants/registrants, participants, employees, or applicants for employment, unless providing the accommodation would cause undue hardship.

WDB requests that all subcontractors and partners within the West Central Missouri Job Centers follow this Customer Accommodation Policy when serving customers within the West Central Missouri Job Centers under the One-Stop Operator.

**Resources**

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- U. S. Equal Employment Opportunity Commission, Chapter XIV – Part 1630 –
- Regulations to Implement the Equal Employment Provisions of the Americans with Disabilities Act: <http://www.eeoc.gov>
- Section 188 of the Workforce Innovation and Opportunity Act

**Definitions**

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**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
- Being regarded as having such an impairment.

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**Major Life Activities:** Functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, eating, sleeping, reading, concentrating, thinking, communicating, and working. Impairments that are episodic or in remission if it would substantially limit a major life activity when active. Operations of major bodily functions, including but not limited to functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine and reproductive functions.

**Reasonable Accommodation:** According to WIOA Section 188 29 CFR Part 38, 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 to 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; or
- 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 individuals without disabilities.

**Service Animal:** Any dog or miniature horse that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Service animals are working animals, not pets. The work or tasks performed by a service animal must be directly related to the individual’s disability.

**Undue Hardship:** According to WIOA Section 188 29 CFR Part 38, Undue burden or undue hardship has different meanings, depending upon whether it is used with regard to reasonable accommodation of individuals with disabilities, or with regard to religious accommodation.

- In general, “undue hardship”, for reasonable accommodation of individuals with disabilities, means significant difficulty or expense incurred by a recipient.

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- Factors to be considered in determining whether an accommodation would impose an undue hardship on a recipient include:
  - The nature and net cost of the accommodation needed, taking into consideration the availability of tax credits and deductions, and/or outside funding, for the accommodation;
  - The overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation, including: (1) The number of persons aided, benefited, served, or trained by, or employed at, the facility or facilities; and (2) The effect the accommodation would have on the expenses and resources of the facility or facilities;
  - The overall financial resources of the recipient, including: (1) The overall size of the recipient; (2) The number of persons aided, benefited, served, trained, or employed by the recipient; and (3) The number, type and location of the recipient’s facilities;
  - The type of operation or operations of the recipient, including: (1) The geographic separateness and administrative or fiscal relationship of the facility or facilities in question to the recipient; and (2) Where the individual is seeking an employment-related accommodation, the composition, structure and functions of the recipient’s workforce; and
  - The impact of the accommodation upon the operation of the facility or facilities, including: (1) The impact on the ability of other participants to receive aid, benefits, services, or training, or of other employees to perform their duties; and (2) The impact on the facility’s ability to carry out its mission.

## **Process for General Public**

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Committed to the principle of fair and equal opportunity, the West Central Region Missouri Job Centers strive to protect rights and opportunities for all applicants, participants, applicants for employment, and employees.

Job Center customers and the public seeking to access Job Center Services and in need of religious accommodation or a reasonable accommodation due to a disability can make their request to any Job Center staff. When a customer notifies staff of a need for an accommodation, staff will work together with the customer to determine a suitable and reasonable accommodation. Job

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Center staff should immediately evaluate and respond to requests. If there is a question of undue hardship the Job Center staff should coordinate with the One-Stop Operator of the center.

## Assistive Technology

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All Workforce Innovation and Opportunity Act (WIOA) Title I-financially assisted programs and activities must be programmatically accessible. This includes providing reasonable accommodations for individuals with disabilities and communicating with persons with disabilities as effectively as with others. The WDB and the West Central Region Missouri Job Centers will provide appropriate auxiliary aids or services, including Assistive Technology devices and services, upon request, where necessary to afford individuals with disabilities an equal opportunity to participate in, and enjoy the benefits of, the program or activity.

Assistive Technologies are mitigating measures to aid people with disabilities that substantially limit their abilities to receive or to communicate information about themselves, programs, or services. Assistive Technologies usually take the form of auxiliary aids or services, but also may include modifications to the physical environment related to the use of devices.

All West Central Region Missouri Job Centers have the following assistive technology for use: Computer equipped with Window Eyes Screen Reader, Zoom Text, Big Keys LX Keyboard, Word Predictive Software, and Trackball Mouse on a Height-Adjustable Table. Amplified Telephone, UbiDuo (Face to Face Communication Device), TTY, Assistive Listening Device, and Relay Service. CC TV/Enlarger is on site for enlarging printed items.

## Undue Hardship – Missouri Job Center Responsibilities

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As a recipient of WIOA funds, if the One Stop Operator believes that the proposed accommodation would cause undue hardship, the One Stop Operator has the burden of proving the undue hardship.

- The One-Stop Operator will make the decision that the accommodation would cause such hardship only after considering all factors listed in the WIOA Section 188 definition of “undue hardship.”

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- The decision will be accompanied by a written statement of the One-Stop Operator’s reasons for reaching that conclusion. A copy of this written statement will be provided 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.

## Retaliation

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Retaliation is prohibited against a customer of the Job Center when exercising his/her right to request an accommodation.

If you think that you have been subjected to discrimination under a WIOA Title I-financially assisted program or activity, you may file a complaint within 180 days from the date of the alleged violation with either:

Danielle Smith  
 State WIOA Equal Opportunity Officer  
 421 E. Dunklin P.O. Box 1087 Jefferson  
 City, MO 65101  
 Telephone: (573) 751-2428 or Fax: (573)751-4088  
 Email: [Danielle.smith@ded.mo.gov](mailto:Danielle.smith@ded.mo.gov)  
 Email: [DWDComplaintsandgrievances@ded.mo.gov](mailto:DWDComplaintsandgrievances@ded.mo.gov)

Or

The Director, Civil Rights Center (CRC)  
 U.S. Department of Labor 200  
 Constitution Avenue NW.  
 Room N-4123, Washington, DC 20210  
 Or electronically as directed on the CRC Web site at [www.dol.gov/crc](http://www.dol.gov/crc)

## Questions

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Questions regarding this policy can be directed to the Equal Opportunity Officer for the Workforce Development Board of Western Missouri, Inc.

**Contact Information**

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