

	West Central Region Local Policy	
	Subject: WDB Accommodation Policy	Release Date: 9/26/18
	Reference:	Revision: 2

It is the policy of the Workforce Development Board of Western Missouri, Inc. (WDB) to comply with the Americans with Disabilities Act. WDB is committed to the fair and equal employment of people with disabilities. WDB does not discriminate against qualified job applicants or employees with disabilities with regard to job application procedures, hiring, employee compensation, advancement, training, discharge or other terms, conditions and privileges of employment.

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 employees and job applicants who wish to apply for reasonable accommodations with the WDB.

Additionally, the WDB is committed to complying with the Title VII of the Civil Rights Act of 1964 (Title VII), which prohibits discrimination against employees or applicants for employment because of their religious beliefs in hiring, firing, and other terms and conditions of employment.

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This policy provides guidelines for employees and job applicants with WDB who wish to apply for an accommodation based upon his/her religious beliefs or practices. The policy prescribes the steps employees and job applicants should take to request an accommodation based upon religious beliefs or practices.

WDB request that all subcontractors and partners within the West Central Missouri Job Centers to establish and follow an accommodation policy for employment related accommodations. Individuals, not employed by the WDB, desiring reasonable accommodations shall follow the process established by their respective agency/employer of record. Accommodation policies should address both religious accommodations and disability related accommodations.

Resources

- U. S. Equal Employment Opportunity Commission <http://www.eeoc.gov>
- Job Accommodation Network (JAN): Website available for questions related to workplace accommodations or the Americans with Disabilities Act (ADA) www.askjan.org

Definitions

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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Essential Functions – In general: The term *essential functions* means the fundamental job duties that an employee must be able to perform with or without the help of a reasonable accommodation. The term “essential functions” does not include the marginal functions of the position.

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.

Qualified individual or applicant with a disability: A person who meets legitimate skill, experience, education, or other requirements of an employment position that he or she holds or seeks, and who can perform the essential functions of the position with or without reasonable accommodation.

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.

Religion: May include traditional, organized religions such as Christianity, Judaism, and Buddhism. It may include religious beliefs that are new, uncommon, not part of a formal church or sect, or only held by a small number of people. A practice is religious if the employee’s reason for the practice is religious and not based upon personal preferences. Social, political, or economic philosophies, or personal preferences, are not ‘religious’ beliefs under Title VII.

Service Animal: An animal 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

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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.

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.

For purposes of religious accommodation only, “undue hardship” means anything more than a de minimis cost or operational burden that a particular accommodation would impose upon a recipient. An employer is not obligated to make an accommodation that would cause an “undue hardship.”

Accommodation Request Procedure for Employees

1. Employees requesting an accommodation will need to complete the Accommodation Request Form and submit it, along with medical documentation to support the request, to the WDB Executive Director.
2. In an effort to determine if the employee is a qualified individual with a disability and to evaluate the request for an accommodation, the Equal Opportunity Officer may:
 - a. Discuss the requested accommodation with the employee.

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- b. Discuss the purpose and essential functions of the particular 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, the WDB is free to choose among equally effective accommodations and may choose one that is less expensive or easier to provide.
 - d. Thoroughly review any undue hardships.
3. WDB has the 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, the WDB may ask to the employee to provide supporting documents to show 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. If the information provided in response to this request is insufficient, the WDB may seek further clarification from the employee's medical provider, with permission from the employee.
 5. The WDB Executive Director will provide a decision regarding the employees request for a reasonable accommodation to the employee within 30 days of receiving all necessary documentation/information.

Accommodation Request Procedure for Job Applicants

1. The job applicant shall inform the WDB of the need for an accommodation in writing.
2. The WDB Executive Director will discuss the needed accommodation and possible alternatives with the applicant.
3. The WDB Executive Director will make a decision regarding the request for accommodation and, if approved, take the necessary steps to see that the accommodation is provided.

Service Animal Accommodation Criteria

Service animals may be considered a reasonable accommodation in the workplace if the service animal meets the following criteria and does not present an undue hardship on the employer. If the accommodation creates an undue hardship on the employer, we may need to adjust the work location.

- Service animals must be individually trained to perform tasks or do work for an individual with a disability.
- All animals must have current vaccinations and immunizations as required by state and/or local law.
- Animals must wear a rabies vaccination tag if required by state and/or local law.
- The Department will provide an employee's service animal with an identification badge that should be worn with his/her collar during working hours. The badge will indicate a contact name, telephone number and office location in case of emergency or the animal is lost. The employee

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may request to utilize information identifying Human Resources if preferred for confidentiality purposes.

- Cleanliness of the service animal is mandatory.
- Animals must be on a leash, harness or other type of restraint at all times, unless the owner is unable to retain an animal on leash due to a disability.
- The owner must be in full control of the animal at all times. The owners of disruptive and aggressive service animals may be asked to remove them from the property.
- The care and supervision of the animal is solely the responsibility of the owner.
- The owner is expected to clean and dispose of all animal waste
- The owner shall provide the HR department with information as to how the animal accommodates for the individual’s disability.

Religious Accommodation Guidelines

1. Employees and job applicants may request an accommodation by completing WDB’s Accommodation Request Form – Religious Beliefs or Practices Form and submit it, along with supporting documentation, if applicable, to the WDB Executive Director.
2. In an effort to determine if the request is based upon religious beliefs or practices sincerely held, Human Resources may:
 - a. Discuss the employee or job applicant’s stated religious beliefs or practices with the employee, job applicant, and/or spiritual leader (if applicable).
 - b. Identify/evaluate potential accommodations and assess the effectiveness each would have in allowing the individual to observe his/her state religious beliefs or practices.
 - c. Thoroughly assess whether the accommodation request presents an undue hardship.
3. The WDB Executive Director will provide a decision regarding the employees request for a reasonable accommodation to the employee within 30 days of receiving all necessary documentation/information.

Funding for Accommodations

Funding for accommodations that do not cause an undue hardship must be agreed to and approved by the Executive Director.

Undue Hardship- WDB Responsibilities

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

- The WDB 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 WDB’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.

Discrimination and Retaliation

Retaliation occurs when an employer takes an adverse action against a covered individual because he or she engaged in a protected activity. The WDB prohibits retaliation against a job applicant or employee from exercising his/her right to request an accommodation. The following is a non-exclusive list of actions that may be retaliation: termination, refusal to hire, denial of promotion, intimidation, harassment, threat(s), withholding of employment benefits and/or opportunities.

WIOA Equal Opportunity Officer or Civil Rights Center

If you think 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
 301 W High Street
 PO Box 187
 Jefferson City, MO 65102
danielle.smith@dhewd.mo.gov
 Phone: (573)751-2428 Fax: (573)751-4088
 Missouri Relay Services at 711

Or

The Director, Civil Rights Center (CRC)
 US Department of Labor
 200 Constitution Avenue NW
 Room n-4123, Washington D.C> 20210
 Or electronically as directed on the CRC website: www.dol.gov/crc

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Missouri Commission on Human Rights (MCHR)

Any person claiming to be aggrieved by an unlawful discriminatory practice, as defined in Chapter 213, RSMo, may also file a complaint with the Missouri Commission on Human Rights at (573) 751-3325 within 180 days of the most recent alleged discrimination.

U.S. Equal Employment Opportunity Commission (EEOC)

If you believe that you have been discriminated against at work because of your race, color, religion, sex (including pregnancy, gender identity, and sexual orientation), national origin, age (40 or older), disability or genetic information, you can file a Charge of Discrimination. A charge of discrimination is a signed statement asserting that an employer, union or labor organization engaged in employment discrimination. It requests EEOC to take remedial action. In general, you need to file a charge within 180 days from the day the discrimination took place. The EEOC can be contacted at 1-800-669-4000.

Questions

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

Contact Information

EO Officer: Allan Hedrick
 Phone: 816.521.7200
 Email: allan.hedrick@dhewd.mo.gov