



## Policies and Procedures

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<b>TITLE: Reasonable Accommodations</b>	<b>EFFECTIVE DATE: 11.26.2024</b>	
<b>SUPERCEDES: OPS 14 Reasonable Accommodations</b>		<b>Dated: 3.18.2021</b>

### **DISTRIBUTION: CareerSource North Central Florida (CSNCFL) Staff and Service Providers**

**Purpose:** The purpose of this policy is to implement the requirements of Section 188 of the Workforce Innovation and Opportunity Act (WIOA) and the implementing regulations pertaining to the provision of reasonable accommodations, making reasonable modifications to policies, practices, and procedures and the provision of auxiliary aids and services to qualified individuals with disabilities.

**Background:** Qualified individuals with disabilities will be given a meaningful opportunity to participate in and benefit from aid, benefits, services, or training, including core, intensive, training, and support services in the most integrated setting appropriate. This includes the adoption of effective communication strategies for applicants, participants, and the general public with a wide range of physical, perceptual, communication, and cognitive abilities.

The objective is to ensure that universal access is a reality for all persons interested in participating in programs, projects, and activities contracted through CareerSource North Central Florida (NCFL), including persons with disabilities.

**Policy:** With regard to aid, benefits, services, and training, CareerSource NCFL will provide reasonable accommodations to qualified individuals with disabilities unless providing the accommodation would cause undue hardship (definitions located at the end of this document). CareerSource NCFL will also make reasonable modifications in policies, practices, and 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. In those situations, the CareerSource NCFL contracted service provider has the burden of proving that the accommodation/modification would result in such undue hardship, and will work with the

region's Equal Opportunity Officer for an alternative accommodation.

The reasonableness of an accommodation will depend upon the circumstances of each case. Reasonable accommodations include, but are not limited to:

- Restructuring of job or training tasks (e.g., reallocating / eliminating non-essential typing, telephone or other clerical assignments among employees, assignment of non-essential tasks to others, etc.);
- Providing or modifying equipment, devices or materials (e.g., raising a desk on boards for a person who uses a wheelchair, providing flashing lights and volume controls on intercoms and telephones, installing text telephones [TTYs], utilizing the Florida Relay Service (7-1-1), providing large-print computer display programs, or materials in alternative formats, including Braille, audio tape or enlarged print, etc.);
- Providing qualified readers, interpreters, or other support services for all aspects of programs and activities including the application, interview, and testing processes, and during training and employment-related activities;
- Making facilities physically accessible to and usable by people with disabilities (e.g., providing ramps, restroom grab bars, signage, etc.).

The service provider is not required to provide personal items to individuals with disabilities. Such items include hearing aids, prosthetic limbs, wheelchairs, or eyeglasses. However, such items may constitute reasonable accommodation where they are specifically designed to meet needs that are related to the program or activity in which the person is participating, or the job the person is performing. For example, eyeglasses designed to enable the individual to view a computer monitor, but which are not otherwise needed outside of the program or activity in which the person is participating, or the job the person is performing, may constitute a reasonable accommodation.

Where more than one possible reasonable accommodation exists, the provider should give primary consideration to the individual's preference in determining what accommodation it will provide.

Accommodations may be considered "unreasonable" only if they impose an undue hardship for the service provider. The factors listed in the definition of "undue hardship" in 29 CFR 38.4 must be considered in making this determination. Where the provider determines that the accommodation requested by the individual would impose an undue hardship, or the modification requested would result in a fundamental alteration, the provider *must* propose an alternative accommodation or modification that would ensure that, to the maximum extent possible, the person with a disability receives the aid, benefits, services, training, or employment offered by the provider.

## **Effective Communication and Other Assistance**

CareerSource NCFL staff and each provider shall be responsible for ensuring effective communication between the qualified individual with a disability and staff throughout the

reasonable accommodation process.

Effective communication may require arranging for sign language interpreters, assistive listening equipment, alternative formats for people with visual impairments, or other approaches. In addition, the provider shall also be responsible for providing such other reasonable assistance as is requested throughout the reasonable accommodation process, as well as through the process of any necessary appeals.

## **Confidentiality**

CareerSource NCFL staff and each provider must maintain confidentiality. All documentation and information concerning the medical condition or history of an individual with a disability requesting an accommodation must be collected on forms separate from other forms related to that individual, and must be maintained by the provider in separate medical files. The information shall be treated as confidential medical records, and access to the records must be limited, except to the extent that:

- The local management must be informed about work restrictions or reasonable accommodations;
- The first-aid and safety personnel need to be informed if the disability may require emergency treatment; and
- Government officials investigating compliance with law are required to be provided with relevant information upon request.

**References:** Workforce Innovation and Opportunity Act (WIOA) Section 188; 29

## **CFR 38.4 Key Definitions and Terms:**

**Disability** - 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.

(1) The phrase *physical or mental impairment* means -

- (A) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine;
  - (B) Any mental or psychological disorder such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.
- (ii) The phrase *physical or mental impairment* includes, but is not limited to, such contagious and noncontagious diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness,

specific learning disabilities, HIV disease (whether symptomatic or asymptomatic), tuberculosis, drug addiction, and alcoholism. The phrase “physical or mental impairment” does not include homosexuality or bisexuality.

(2) The phrase *major life activities* means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

(3) The phrase *has a record of such an impairment* means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

(4) The phrase *is regarded as having an impairment* means -

(i) Has a physical or mental impairment that does not substantially limit major life activities but that is treated by the recipient as being such a limitation;

(ii) Has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment; or

(iii) Has none of the impairments defined in paragraph (1) of this definition but is treated by the recipient as having such an impairment.

**Qualified Individual With a Disability -**

(1) With respect to employment, an individual with a disability who, with or without reasonable accommodation, is capable of performing the essential functions of the job in question;

(2) With respect to aid, benefits, services, or training, an individual with a disability who, with or without reasonable accommodation and/or reasonable modification, meets the essential eligibility requirements for the receipt of such aid, benefits, services, or training.

**Undue Hardship** - significant difficulty or expense incurred by a recipient, when considered in light of the factors set forth in paragraph (ii).

(ii) Factors to be considered in determining whether an accommodation would impose an undue hardship on a recipient include:

(A) 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;

(B) 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;

(C) 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;
- (D) 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
- (E) 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.

## **OFFICIAL SIGNATURE**

Phyllis Marty  
Chief Executive Officer