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| Northeastern Workforce Development Board (NWDB) General Policies and Procedures NWDB – Americans with Disabilities Act Policy | |
| Policy 009 | EFFECTIVE DATE: 4/4/2017 <i>Revised: 09-14-2023</i> |
| Approved by: Northeastern Workforce Development Board | Executive Director <i>Jalan Williamson</i> |

BACKGROUND: Section 188 of the Workforce Innovation and Opportunity Act (WIOA) prohibits discrimination against individuals who apply to, participate in, work for, or come into contact with programs and activities that receive financial assistance from DOL, or, under certain circumstances, from other Federal agencies or are otherwise part of the American Job Center delivery system. Section 188 prohibits discrimination on the grounds of race, color, religion, sex, sexual identification, national origin, age, disability, or political affiliation or belief, among other bases. Section 188 also requires that reasonable accommodations be provided to qualified individuals with disabilities in certain circumstances.

POLICY: It is the policy of the Northeastern Workforce Development Board (NWDB) that no qualified individual with a disability shall, on the basis of disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of the NWDB. All programs, services and activities, including grants and contracts, shall be available, with or without accommodations, to individuals with disabilities, as they are for other persons. Accommodations could include changes to policies, practices, or procedures; removing architectural, communication, or transportation barriers; and providing auxiliary aids and services, such as interpreters.

Reasonable accommodations will be provided to qualified individuals with disabilities to participate in all programs provided at the American JobCenter unless providing the accommodation would cause undue hardship.

See the definitions of “reasonable accommodation” and “undue hardship” in § 29 CFR 37.4

Reasonable Accommodation

(1) The term “reasonable accommodation” means:

- (i) 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
- (ii) 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:
 - (A) The environment where work is performed or aid, benefits, services, or training are given; or
 - (B) The customary manner in which, or circumstances under which, a job is performed or aid, benefits, services, or training are given; or

(iii) 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.

(2) Reasonable accommodation includes, but is not limited to:

(i) Making existing facilities used by applicants, registrants, eligible applicants/registrants, participants, applicants for employment, and employees readily accessible to and usable by individuals with disabilities; and

(ii) Restructuring of a job or a service, or of the way in which aid, benefits, 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.

(3) To determine the appropriate reasonable accommodation, it may be necessary for the recipient to initiate an informal, interactive process with the qualified individual 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 those limitations.

Undue Hardship

(1) Reasonable accommodation of individuals with disabilities: (i) *In general, “undue hardship” means* 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.

If you believe that you have been subjected to discrimination, you may file a complaint to:

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