

## POLICY

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<b>CATEGORY:</b>	<b>Property and Facilities</b>	<b>No.: 6.0.102.01</b>
<b>TITLE:</b>	<b>Accessibility for Persons with Disabilities</b>	
<b>SUPERSEDES:</b>	<b>6.0.102.00, dtd May 26, 2015</b>	
<b>EFFECTIVE:</b>	<b>February 21, 2019</b>	
<b>BOARD APPROVAL:</b>	<b>February 21, 2019</b>	
<b>DATE OF LAST REVIEW:</b>	<b>December 13, 2018</b>	

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### I. PURPOSE:

To provide access Workforce Solutions of the Coastal Bend services to all individuals.

### II. DEFINITIONS:

*Accessibility* - Refers to the physical and program measures necessary to provide access to the benefits and facilities of the Board's programs/activities with due regard to reasonable accommodation.

*Disability* - A person has a disability if he or she has a physical or mental impairment that substantially limits a major life activity such as hearing, seeing, speaking, breathing, learning, performing manual tasks, and working or caring for oneself.

*Essential functions* - Refers to basic job duties a person must be able to perform with or without reasonable accommodation.

*Job discrimination* - Refers to discrimination in employment practices such as recruitment, pay, hiring, firing, promotion, job assignments, training, leave, layoff, benefits and other employment-related activities.

*Protected persons* - Refers to the protection from discrimination extended by the ADA to qualified individuals. To be protected under ADA, an individual must have a physical or mental impairment that substantially limits a major life activity, or must have a record of, or be regarded as, having such impairment.

*Qualified individual* - Refers to a person with a disability (ies) who is otherwise qualified to perform the essential functions of a job or activity with or without accommodation. The individual must satisfy the educational background, employment experience, skills, licenses, and/or other qualification standards essential to the job or activity.

*Reasonable accommodation* - Refers to any change or adjustment to a job or work environment that permits a disabled person, who is a qualified individual, to participate in the employment process, perform the essential functions of employment or enjoy the benefits and privileges of a program available to participants/clients without disabilities.

*Undue hardship* - Refers to an accommodation which would be unduly costly, extensive, substantial, disruptive, or which would fundamentally alter the nature or operation of the activity. Refer to appropriate directives for additional criteria to be considered.

**III. POLICY STATEMENT:**

Workforce Solutions of the Coastal Bend shall ensure accessibility of activities, programs and facilities to all individuals including those with a disability. The Board in determining that the selection of a site or location of a facility does not have a discriminatory effect. The Board does not provide different, segregated, or separate services or training to individuals with disabilities unless such action is necessary to provide qualified individuals with disabilities with services or training that are as effective as those provided to others.

Discrimination against a person with a disability is prohibited.

**IV. PROCEDURES:**

N/A

**V. RELATED POLICY INFORMATION:**

Rehabilitation Act of 1973, Section 504, as amended  
Americans with Disabilities Act (ADA) of 1990  
29 CFR Part 32, subparts B & C  
29 CFR Part 38.13

**VI. RESPONSIBILITIES:**

The Board's EO Office will review accessibility to both programs and services on an annual basis to ensure compliance of this policy.

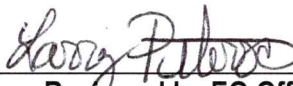
The Board's Facilities staff shall review accessibility of all facilities on an on-going basis to ensure compliance with all applicable policies.

**VII. FORMS AND INSTRUCTIONS:** Workforce Solutions Site Selection

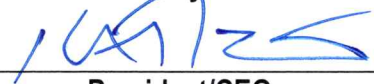
**VIII. DISTRIBUTION:**

Board of Directors  Board Staff  Service Provider Staff

**IX. SIGNATURES:**

  
\_\_\_\_\_  
Reviewed by EO Officer

2/22/19  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
President/CEO

2/22/19  
\_\_\_\_\_  
Date

## Workforce Solutions Center Site Selection Accessibility Requirements

Workforce Solutions of the Coastal Bend upholds the highest standards of non-discrimination and the provision of equal opportunity to all customers of its basic services, expanded services and financial aid. **Board will ensure in determining a site selection** or location of a facility does not have a discriminatory effect. All Workforce Solution offices are and will be located in accessible locations. This plan is written to establish local procedures and is not intended to supersede any other state and federal laws, regulations, or organizationally specific requirements.

The Workforce Solutions Equal Opportunity Officer and Facility Manager will follow a process to ensure that all locations do not exclude sections of the population and provide additional protections to customers with disabilities.

This plan is written to comply with the following:

- Section 188 of the Workforce Innovation and Opportunity Act and the implementing of regulations found in 29 Code of Federal Regulations (CFR) Part 38
- Americans with Disabilities Act (ADA) of 1990, which prohibits employers and social service agencies from discriminating against qualified individuals with physical or mental disabilities on any basis
- Section 504 of the Rehabilitation Act of 1973, as amended, and the implementing of regulations found in 29 CFR Part 32, which prohibits discrimination against persons with a physical, sensory or mental disability in programs receiving or benefiting from federal financial assistance
- Texas State law for accessibility requirements
- Texas Access Standards.

### Procedure

The plan will review the Public Access Routes, Public Transportation Routes and Accessible parking. Locations will be selected with every possible assurance that discrimination against persons or a class of persons on the basis of a physical or mental disability will not be caused by the selection of a site.



The Workforce Solutions Board is committed to ensuring equal opportunity in employment for qualified persons with disabilities and will conduct all employment practices and activities on a non-discriminatory basis. Refer to the Reasonable Accommodation Policy for procedures. **The Board** administers WIOA financially assisted programs and activities in the most integrated setting appropriate to the needs of qualified individuals with disabilities.

## Definitions

**Basic Services** – Services are those that are available to the general population.

**Customer** – For the purpose of this document, a customer is defined as a job seeker, someone from the business community, a program participant, and/or staff of partner agencies.

**Customer who has a disability** – A person with a physical or mental impairment that substantially limits one or more major life activities.

**Reasonable Accommodation/Modification** – any change in the application or registration process, and/or the delivery of programs, policies, practices, procedures, and/or the environment that allows customers with a disability to have an equal opportunity to utilize Workforce services. The goal is to enable an otherwise qualified person who has a disability to have an equal opportunity to perform satisfactory to his/her fullest potential.

**The Board prohibits** the placing of a surcharge or cost on an individual or group of individuals with disabilities to cover the cost of measures such as auxiliary aids, program accessibility or provide any reasonable accommodations or modifications. **The Board provides** reasonable accommodation to qualified individuals with disabilities in the following specified populations: applicants, registrants, eligible applicants/registrants, participants, employees or applicants for employment unless providing the accommodation would cause undue hardship, and requested modifications must be provided unless they would fundamentally alter the nature of the service, program or activity.

When consideration for a location is being made and is part of a larger center, the structure and overall resources of the larger organization would be considered, as well as the financial and administrative relationship of the facility to the site.

## Documentation Requirements

- Prepare a written statement of the reasons underlying the determination;
- Provide a copy of the statement of lease agreement that assures compliance with the Texas Access Standards;
- Note any other actions that *will not* cause undue hardship as a result of a site location.

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