



EQUAL OPPORTUNITY/ REASONABLE ACCOMMODATION POLICY

Workforce Solutions of Central Texas provides universal access to programs and services for individuals with disabilities.

Background

Workforce Solutions of Central Texas upholds the highest standards of non-discrimination and the provision of equal opportunity to all persons, hereinafter referred to as “Individuals,” including:

- Customers of its basic services, expanded services, and financial aid;
- Employees of its Board office or Contractors;
- Individuals wishing to participate on planning or advisory boards.

Workforce Solutions of Central Texas and its offices will adhere to and be able to provide information concerning the requirements of federal and state disability laws. These policies are written to establish local procedures and are not intended to supersede any other applicable laws, regulations, or organizationally specific requirements. Local contractor policies contain these same mandates and may provide additional protections.

These policies are written to comply with the following:

- Section 188 of the Workforce Innovation and Opportunity Act (WIOA) and the implementing regulations found in 29 Code of Federal Regulations (CFR) Part 38;
- Americans with Disabilities Act (ADA) of 1990, as amended in 2008, with the implementing regulations, 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 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; and
- Federal and State ADA Standards for accessibility, including 1994 Texas Accessibility Standards (TAS) for construction/alterations prior to March 14, 2012, and 2012 TAS for construction/alterations on or after March 15, 2012.

Workforce Solutions of Central Texas does not discriminate against individuals or classes of individuals on the basis of a physical, mental, or sensory disability when providing assistance, benefits, and services. No individual shall be excluded from participation in, denied the benefit of, subjected to discrimination under, or denied services, access to services or programs and/or facilities, in the administration of, or in connection with, any such program or activity financially assisted in

whole, or in part under the WIOA or in connection with partnering agencies, or employers on the basis of disability.

The need to provide a reasonable accommodation or modification will not be a factor in the selection of a participant for program participation, or for any opportunity which may have an impact on the individual's career development. A qualified individual with a disability will be afforded the opportunity to participate in services or training that is equal to or as effective as that provided to others. Different, segregated, or separate services or training will not be provided to individuals with disabilities unless such action is necessary to provide those services or training to be as effective as those provided to others.

Workforce Solutions of Central Texas administers the Workforce Innovation and Opportunity Act (WIOA) financially-assisted programs and activities in the most integrated setting appropriate to the needs of qualified individuals with disabilities. Eligibility criteria that screen out (or tend to screen out) an individual or class of individuals with a disability are not imposed unless such criteria can be shown to be necessary for the provision of the aid, benefit, service, training, program, or activity being offered.

Examples of General Types of Discriminatory Actions

Actions that are considered discriminatory may include, but are not limited to:

- 1) Denying a qualified individual with a disability the opportunity to participate in, or benefit from, the same program or activity, services or training, licensing or certification, afforded to other persons;
- 2) Failing to give a qualified individual with a disability an equal opportunity to get the same results or benefits from a program or activity that people without disabilities receive;
- 3) Charging a particular person with a disability any extra fees or surcharge to cover costs of accommodating the disability, costs of auxiliary aids, or costs of accessibility;
- 4) Accepting any job orders from an employer that will not accept applications from qualified individuals with disabilities;
- 5) Stereotyping people with disabilities when evaluating their skills, needs, abilities, and interests;
- 6) Referring to or providing qualified individuals with disabilities different, segregated, or separate programs, activities, employers or types of jobs than other qualified individuals, unless such action is necessary to provide those to be as effective as are provided to others;
- 7) Using tests or other assessment processes that measure the impairments of persons with disabilities, not their skills and abilities;
- 8) Failing to provide a reasonable accommodation or modification, or failing to take appropriate steps to ensure that communications with persons with disabilities are as effective as communications with others;

- 9) Perpetuating discrimination by providing significant assistance to, or contracting with, an agency, organization or business that discriminates on the basis of a person's disability status.

All participating staff of Workforce Solutions of Central Texas partnering agencies is responsible for adherence to this policy expressed in both verbal and written communication.

Description of Requirements

1. Workforce Solutions of Central Texas is, and will remain, compliant with all applicable disability nondiscrimination laws, including the ADA; the relevant portions of Section 188 of WIOA and its implementing regulations found in 29 CFR Part 38; Section 504 and the implementing regulations found in 29 CFR Part 32; and other applicable laws.
2. Workforce Solutions of Central Texas sites shall remain architecturally barrier free. In determining the site or location of facilities, selections made will not have a discriminatory purpose or effect on the basis of disability or defeating or substantially impairing the accomplishment of disability-related objectives.
3. All services offered at Workforce Solutions of Central Texas shall be available and welcoming to all qualified individuals, regardless of disability.
4. Individuals should be assumed to be experts in understanding their disability and the specific needs based on that disability, unless otherwise indicated by facts pertaining to that individual.
5. Workforce Solutions of Central Texas will provide reasonable accommodations and modifications for individuals with disabilities (including applicants, registrants, eligible applicants/registrants, participants, employees, or applicants for employment) and will comply with all applicable accessibility requirements, unless providing the accommodation would cause undue hardship. Reasonable accommodations and modifications must be effective in meeting the needs of the individual. Those needs should be determined through an informal, interactive process of communication with the individual. An individual with a disability is not required to accept an accommodation, aid, benefit, service, training, or opportunity that the individual chooses not to accept.
6. Under the law, individuals who ask for an adjustment or change related to a medical condition are considered to have requested a reasonable accommodation or modification. A requested accommodation is unreasonable if providing it would result in undue hardship, and a requested modification is unreasonable if providing it would fundamentally alter the nature of the service, program, or activity. The responsible person at Workforce Solutions of Central Texas office must review certain required factors when determining whether there would be a fundamental alteration or undue hardship. These factors are delineated in the following "Definitions" section of this document. If it is determined that the requested accommodation would cause undue hardship, or the requested modification would result in a fundamental alteration, Workforce Solutions of Central Texas must provide a written

statement of reasons for denying the requested accommodation or modification, give a copy of the statement to the individual requesting the accommodation or modification, and offer another action to avoid discrimination, provide equal opportunity, and allow the person with the disability to participate to the fullest extent possible.

7. To be considered “reasonable,” an accommodation need not be the most expensive accommodation available, as long as it is effective in meeting the needs of the individual with a disability.
8. Workforce Solutions of Central Texas office is allowed to ask for reasonable documentation of the disability or medical condition under the circumstances, and following the procedures, described in part 2 of the “Procedures” section of this document.
9. Workforce Solutions of Central Texas office may discipline, including denial of service to, any individual who violates Center policy related to conduct, even if the conduct resulted from a disability, if all of the following criteria are met:
 - a. the conduct policy is **both**:
 - i. related to provision of the specific services at issue, **and**
 - ii. consistent with business necessity; **and**
 - b. the discipline being imposed is consistent with program policy – in other words, the same discipline is imposed on an individual with a disability as on other individuals without disabilities.

If an individual with a disability who has violated Center policy related to conduct asks for reasonable accommodation to be able to comply with the policy in the future, that accommodation must be provided unless it imposes an undue hardship, as with other accommodation requests. However, Workforce Solutions of Central Texas is not required to excuse misconduct that took place before the accommodation request.

10. All individuals are welcome to bring a professional or personal support person and/or attendant to help them access Workforce Solutions of Central Texas services with the exception of assistance with testing. Workforce Solutions of Central Texas offices are generally not required, though they may choose to do so, to provide personal devices such as wheelchairs; individually prescribed devices, such as eyeglasses or hearing aids; readers for personal use and study; or services of personal nature, such as assistance with eating, toileting, or dressing. Workforce Solutions of Central Texas office will provide assistance that will help a particular individual with a disability to receive equal benefits from the program or activity, to compete fairly in educational and work settings, and in general, to insure equal opportunity. Assistance during testing will be determined on a case-by-case basis with consideration for reliability factors and validity of the test results. Where a particular test cannot be used to provide an accurate measure of the knowledge, skills, and/or abilities of a particular individual, an alternative to that test will be provided.

Definitions

Basic Services — Basic Services are those that are available to everyone seeking services at Workforce Solutions of Central Texas.

Individual — For the purposes of this document, an individual is defined as a job seeker, someone from the business community, a program participant, and/or staff of partner agencies.

Individual who has a disability — A individual who has a disability is defined as a person with a physical or mental impairment that substantially limits one or more major life activities.

Reasonable Accommodation/Modification — A reasonable accommodation and/or modification is any change in the application or registration process, and/or the delivery of programs, policies, practices, procedures, and/or the environment that allows individuals with a disability to have an equal opportunity to utilize Workforce Solutions of Central Texas services. The goal is to enable an otherwise qualified individual who has a disability to have an equal opportunity to perform satisfactorily to his/her fullest potential. Workforce Solutions of Central Texas provides any reasonable accommodations or modifications at no cost to the individual. Requested accommodations must be provided unless they would cause an undue hardship, and requested modifications must be provided unless they would fundamentally alter the nature of the service, program or activity.

Examples of Reasonable Accommodation/Modifications include, but are not limited to:

- Provision of readers, interpreters, and other auxiliary aids or services necessary to ensure that communications with individuals with disabilities are as effective as communications with other individuals;
- Modifications or adjustments to the environment in which, or the rules under which, the aid, benefit, service or training is provided;
- Modifications or adjustments to the manner in which a training program or other activity is conducted.

To determine reasonableness of a requested accommodation or modification, Workforce Solutions of Central Texas must determine whether the accommodation would impose an undue hardship, or the modification would create a fundamental alteration.

Undue hardship/burden — Undue hardship is defined as significant difficulty or expense. In general, the factors to be considered in determining whether a particular accommodation would impose an undue hardship include:

- the *type* of accommodation that has been asked for;
- the *net cost* of the accommodation (taking into consideration the availability of tax credits and deductions, and/or outside funding, for the accommodation);

- the **overall size** of the recipient (including number of employees, number of participants, number and type of facilities, and size of budget);
- the **overall financial resources** of the recipient as a whole and the individual facility or facilities that would be involved with the accommodation; and
- the **effect** that providing the accommodation would have on the recipient's or facility's ability to serve other individuals (or, for a work-related accommodation, its employees' ability to perform their duties), and the recipient's or facility's ability to carry out its mission.

Where the facility making the accommodation is part of a larger entity, 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 larger organization. In general, a larger entity would be expected to make accommodations requiring greater effort or expense than would be required of a smaller organization.

Fundamental alteration – The term “fundamental alteration” is defined in two ways:

- a change in the *essential nature* of a program or activity, or
- a cost that a recipient can demonstrate would result in an *undue burden*.

To determine whether a particular modification would result in an undue burden, Workforce Solutions of Central Texas must consider the factors listed in the definition of ***fundamental alteration*** in 29 CFR §38.4. These factors are similar to those listed for ***undue hardship***, as discussed above.

Procedures

1. Communication Aids

Workforce Solutions of Central Texas takes advance actions to ensure that communication with individuals with disabilities is as effective as communication with others. The following communication aids are available for anyone requesting them upon verbal request, without requiring documentation:

Computers

- Software-embedded accessibility features (varies by software version loaded)
- Screen magnification software
- Adjustable height computer tables
- Large screen computer monitors
- “Expert Mouse” trackballs
- Narrator/Screen Reader
- Headphones/Amplification

Telephones

- TTY phone (some locations)
- Relay Texas
- Amplification

Printed Material

- Large print
- Magnifying sheets, wands

Interpreters

- American Sign Language for Deaf and Hard of Hearing (by appointment)
- Languages other than English (by appointment)

Signage

- Braille signage provided for public-access rooms, areas

2. Reasonable Accommodations and Modifications

Individual Request

Individuals with accommodation or modification needs seeking Workforce Solutions of Central Texas services may direct their request to any staff person they come in contact with, including an Employment Counselor or Personal Services Representative. If the accommodation or modification is not readily available or requires additional consideration to determine whether an undue hardship or fundamental alteration would occur, the request will be forwarded to the Center manager, or other appropriate person, who will engage in an interactive process with the individual requesting the accommodation or modification and who will make an individual determination about the request.

Documentation

When the disability and/or the need for accommodation is not obvious, staff may ask the individual for reasonable documentation about his/her disability and functional limitations.

Reasonable documentation means that Workforce Solutions of Central Texas may require only the documentation that is needed to establish that a person has an actual, current disability, and that the disability necessitates a reasonable accommodation. Thus, Workforce Solutions of Central Texas, in response to a request for reasonable accommodation, cannot ask for documentation that is unrelated to determining the existence of a disability and the necessity for an accommodation.

Workforce Solutions of Central Texas may require that the documentation about the disability and the functional limitations come from an appropriate health care or rehabilitation professional. The appropriate professional in any particular situation will depend on the disability and the type of functional limitation it imposes. Appropriate professionals include, but are not limited to, doctors (including psychiatrists), psychologists, nurses, physical

therapists, occupational therapists, speech therapists, vocational rehabilitation specialists, and licensed mental health professionals.

In requesting documentation, Workforce Solutions of Central Texas should specify what types of information it is seeking regarding the disability, its functional limitations, and the need for reasonable accommodation. For example, the person can be asked to sign a limited release allowing Workforce Solutions of Central Texas to submit a list of specific questions to the health care or vocational professional. Workforce Solutions of Central Texas must maintain the confidentiality of all medical information collected during this process, regardless of where the information comes from.

If a person provides insufficient documentation of a disability in response to Workforce Solutions of Central Texas's initial request, Workforce Solutions of Central Texas may require the person to go to a health care professional of Workforce Solutions of Central Texas's choice. However, Workforce Solutions of Central Texas should explain why the documentation is insufficient and allow the person an opportunity to provide the missing information in a timely manner.

As an alternative to requesting documentation, Workforce Solutions of Central Texas may simply discuss with the individual the nature of the person's disability and functional limitations. It would be useful for Workforce Solutions of Central Texas to make clear why it is requesting information - to verify the existence of a disability and the need for a reasonable accommodation.

Under Federal disability nondiscrimination law, Workforce Solutions of Central Texas cannot ask for documentation when: (1) both the disability and the need for reasonable accommodation are obvious, or (2) the person has already provided Workforce Solutions of Central Texas with sufficient information to substantiate that s/he has an actual, current disability and needs the reasonable accommodation requested.

If a individual's disability or need for reasonable accommodation is not obvious, and s/he refuses to provide the reasonable documentation requested by Workforce Solutions of Central Texas, then s/he is not entitled to reasonable accommodation. See guidance at <http://www.eeoc.gov/policy/docs/accommodation.html> - N 31 #N 31. On the other hand, failure by Workforce Solutions of Central Texas to initiate or participate in an interactive process with the individual after receiving a request for reasonable accommodation could result in liability for failure to provide a reasonable accommodation.

To ensure compliance with the law, efforts taken to provide accommodation should be documented.

Determining Undue Hardship or Fundamental Alteration

Workforce Solutions of Central Texas must go through a formal process to determine whether a particular requested accommodation would cause ***undue hardship***, or a particular requested modification would result in a ***fundamental alteration***. The required process includes the following steps:

- Workforce Solutions of Central Texas must consider all of the factors listed in the definition of ***undue hardship*** or ***fundamental alteration***, as appropriate, before determining to deny a requested accommodation or modification. The definitions of both terms are provided in 29 CFR §38.4, as well as in the “Definitions” section of this document.
- If Workforce Solutions of Central Texas determines that the requested accommodation will cause an ***undue hardship***, or that the requested modification would result in a ***fundamental alteration***, all of the following actions must be taken:
 - ✓ Prepare a written statement of the reasons underlying the determination;
 - ✓ Provide a copy of the statement of reasons to the person or persons who requested the accommodation or modification; and
 - ✓ Take any other actions that will *not* cause undue hardship or result in a fundamental alteration, but that will enable the person(s) with a disability to receive the aid, benefits, services, training, or employment offered by Workforce Solutions of Central Texas, to the maximum extent possible.

Providing Reasonable Accommodation and Modifications

Reasonable accommodations and modifications involve taking individualized action at the time that a particular person with a known disability seeks to apply to or participate in a program or activity, based on that person’s *individual* needs. Workforce Solutions of Central Texas is authorized to expend funds to provide an accommodation based on a review of the request, documentation submitted if applicable, and whether or not the request would create an undue hardship or fundamental alteration. The determination of which reasonable accommodation or modification is appropriate is based on individual circumstances relating directly to the individual.

- ***Wait Period for Decision on Reasonable Accommodation or Modification:*** Decisions requiring additional review or planning by Workforce Solutions of Central Texas staff will be made within five working days of the request. If the interactive process requires additional communication with the individual during the five-day period, that communication will take place by phone, mail, e-mail, or in person and the method of communication will be at the discretion of the individual. If a determination is made that a requested accommodation would pose an undue hardship, or a requested modification would cause a fundamental alteration, the written statement of reasons for reaching that conclusion must be provided to the individual. If the individual needs the written determination to be provided in an alternate format, the format used will be at the discretion of the individual.
- ***Request for Testing Accommodation:*** Individuals are responsible for requesting accommodation. If the disability and/or the need for accommodation is not obvious, Workforce Solutions of Central Texas may request documentation, as noted above. Testing

accommodation will be provided based on documentation submitted, if applicable, and whether or not the request would create an undue hardship, or a fundamental alteration of the nature of the test. However, the specific test used, in combination with appropriate accommodations or modifications, must be able to provide a valid and reliable evaluation of the knowledge, skills, abilities, and/or interests of the individual with a disability. If the nature or extent of a particular individual's disability, or the limitations of the test itself, prevent the test from providing a valid or reliable evaluation in a particular case, an alternate test or assessment tool must be offered.

All testing results/assessments are kept in the individual's confidential file in a secured area; unless the results of the test or assessment indicate that the individual was provided with accommodations for the testing/assessment process. In such cases, the test/assessment results must be stored in separate files, apart from any other information about the individual, and access to the results must be limited, as required for all medical or disability-related information about a particular individual.

- ***Request for Interpreter Services:*** Individuals who need sign-language interpreter services for Deaf and Hard of Hearing may request those services of staff for case management, assistance with job search, orientations, classes, or other services offered, whether offered in a group setting or on an individual basis. Workforce Solutions of Central Texas contracts with local, qualified sign language interpreter to provide these services on an as-needed basis, by appointment convenient to both individual and interpreter. Staff will follow the adopted Policy and Procedures for providing sign-language interpreter services.

Individuals who need interpreter services for language other than English may request those services of staff for case management, assistance with job search, orientations, classes, or other services offered, whether offered in a group setting or on an individual basis. Workforce Solutions of Central Texas employs staff who are fluent in other languages common in the region (e.g., Spanish) and uses on-line language interpreter services to provide these services on an as-needed basis for other languages, by appointment convenient to both individual and interpreter. Staff will follow the adopted Policy and Procedures for providing Limited English Proficiency interpreter services.

3. Notice and Communication

Information regarding the complaint process is made available in multiple formats to Workforce Solutions of Central Texas staff as well as individuals. Posters, with both print and pictures, informing and instructing applicants on complaint procedures are posted throughout Workforce Solutions of Central Texas system to recipients, sub recipients, affiliate and co-location sites. In addition, information about how to file a complaint is available upon individual request. Workforce Solutions of Central Texas staff is provided access complaint procedures in WD Letter 18-07, Discrimination Complaint Procedures and its attachment, Texas Workforce Solutions Discrimination Complaint Procedures.

Workforce Solutions of Central Texas website provides a link to a copy of “*EO is the Law*” posters in English and Spanish. The site includes the local EO Officer, the WIOA discrimination complaint procedures, and the complaint form. See <http://www.workforcelink.com>.

WSOCT adheres to the statement “Equal Opportunity is the Law” found at 29 CFR 38.35 and 38.38 and attached herein as an Appendix. This statement is posted prominently, in reasonable numbers and places; disseminated in internal memoranda and other written or electronic communications; included in handbooks or manuals; made available to each participant, and made part of each participant’s file. The notice is provided in appropriate formats to individuals with visual impairments. Where notice has been given in an alternate format to an individual with a visual impairment, a record that such notice has been given must be made a part of the individual’s file, as appropriate.

During orientations that inform new participants, new employees, and/or the general public of WIOA Title I-financially assisted programs and/or activities, Workforce Solutions of Central Texas will include a discussion of the rights under the nondiscrimination and equal opportunity provisions, including the right to file a complaint of discrimination with a recipient, TWC, or the CRC.

All Workforce Solutions of Central Texas publications must include the EO policy statement that indicates the recipient is “an equal opportunity employer/program.” Additionally, all recipient publications must include the appropriate tag lines “auxiliary aids and services are available, upon request, to individuals with disabilities” (29 CFR §38.38).

Recipients ensure that all brochures, publications, and broadcasts include a TDD/TTY number or provide an equally effective means of communication with individuals who are hearing impaired. Under Title IV of the ADA, a message relay telephone system is mandated in each state. The system in Texas is Relay Texas. Relay Texas provides statewide telephone accessibility to speech and hearing impaired individuals. In Texas, the Relay Texas system telephone number must be indicated wherever telephone numbers are included in all brochures, publications, and broadcasts.

4. Disability-Related Inquiries

Intake and Registration

Whether it is lawful to ask questions that may lead to the disclosure of a disability, or of medical-related information, depends upon the context. Some practices that are *legal* in the context of providing services are *illegal* in the context of *employment-related* activities. Both types of activities take place in Workforce Solutions of Central Texas offices, so it is essential to make sure that the type of questions you plan to ask are lawful in the context of the type of activity you or your staff members will be performing while asking the questions.

Before asking any questions that may lead to the disclosure of medical- or disability-related information, staff must clearly inform the person that: (1) providing the information is

voluntary; (2) the information will be kept confidential; (3) refusal to provide information will not subject the applicant, employee or participant to any adverse treatment; and (4) the information will be used only in accordance with law. Staff may also wish to inform the individual why they are asking the medical or disability-related questions so that the individual has the information that s/he needs in order to decide whether to disclose his/her medical or disability-related information.

“Services” context vs. “employment” context

Services-related legal standards apply to activities such as assessment of a individual’s skills, prior work experience and employability; creation of a service strategy for an individual; or supportive programs such as child care, transportation, housing assistance, or benefits counseling. By contrast, employment-related legal standards apply to activities that meet the definition of “employment-related training” in the WIOA nondiscrimination regulations, as well as to job placement, job referral, and related activities of Workforce Solutions of Central Texas offices, or agencies, programs, or activities within those Offices, that are acting as “employment agencies” within the legal definition of that term.

“Employment-related training”

The WIOA nondiscrimination regulations define the term “employment-related training” broadly: the definition states that the term means “training that allows or enables an individual to obtain employment.” Examples of such training include:

- Occupational skills training
- On-the-job training
- Job readiness training

Whether other types of training, such as basic educational skills training or English as a Second Language training, fall within the definition of “employment-related training” will depend on the way in which a particular Workforce Solutions of Central Texas office provides each type of training. When in doubt, the safest course is to assume that a specific type of training does fall within the definition, and to ask only those questions related to the training that would be permissible in the employment context.

“Employment agency”

Workforce Solutions of Central Texas office, or an agency, program, or portion of a program within a Center, is acting as an “employment agency” – and therefore is covered by the legal requirements that apply in the “employment” context -- when it regularly has as a “principal function”:

- procuring employees for at least one employer, or
- procuring work opportunities for individuals.

Therefore, any staff member who is engaged in these or related activities must comply with the employment-related requirements regarding disability-related inquiries.

Questions That May Be Asked In The “Services” Context

In the “services” context, disability-related inquiries are not only legal, but recommended. Examples of circumstances in which a Center would be permitted, and may wish, to ask questions that may disclose disability-related information include screening individuals who have particular types of employment problems for signs of hidden disabilities, determining eligibility for targeted programs, or determining whether, and which, reasonable accommodations would help a individual succeed in employment.

Questions That May Be Asked In The “Employment” Context

In employment-related contexts, disability-related questions are illegal except under certain limited circumstances. These exceptions include:

Demographic data. The WIOA nondiscrimination regulations require that every individual in a specific list of categories (applicant, registrant, eligible applicant/registrant, participant, terminnee, applicant for employment, and employee) must be asked to provide five pieces of demographic data: (1) race/ethnicity; (2) gender; (3) age; (4) disability status; and (5) limited English proficiency/preferred language. *See* 29 CFR 38.41. This requirement applies in the employment context as well as the services context. Although Workforce Solutions of Central Texas office or service provider must *ask* the individual for the data, the individual is not required to *provide* it. All demographic data gathered pursuant to this requirement must be stored separately from other information about the individual, as described in more detail later in this document.

Invitation to self-identify. Staff operating in the employment context may invite individuals to disclose their disability status if all of the following criteria are met:

- The Center, or the employer for which the Center staff is seeking applicants, is taking remedial action to correct the effects of past discrimination; *or*
- The Center, or the employer for which the Center staff is seeking applicants, is taking voluntary action to overcome the effects of conditions that resulted in limited participation by people with disabilities in the recipient’s program or activity;
- The Center, or the employer for which the Center staff is seeking applicants, is a Federal contractor or subcontractor that is taking affirmative action under Section 503 of the Rehabilitation Act of 1973, as amended.

When inviting self-identification under these circumstances, staff must inform the individual about how the information will be used -- for remedial actions or voluntary or affirmative action efforts – as well as making the other required disclosures discussed above.

Staff may always ask questions that are not considered “disability-related.” Examples of questions staff may ask include whether a individual can perform specific job functions, if the individual has the needed experience education or license, non-disability-related impairments the individual may have, whether the individual will need accommodations for the application process if the individual has disclosed the disability or the disability is obvious, and if the individual currently uses illegal drugs.

Following is a list of sample questions that staff may ask of all individuals.

SAMPLE QUESTIONS FOR THE GREETER AT TIME OF FIRST INTERACTION WITH INDIVIDUAL

- ✓ *What is your overall goal in using the Center?*
- ✓ *What specific things are you trying to accomplish today?*
- ✓ *In what other ways can we assist you today?*

SAMPLE QUESTIONS FOR THE RESOURCE ROOM STAFF AT INITIAL CONTACT WITH ALL INDIVIDUALS

- ✓ *Will you need any support or assistance to use the equipment or participate in the services you are seeking today?*

SAMPLE QUESTIONS FOR PERSONAL SERVICES REPRESENTATIVE STAFF UPON INITIAL INTERVIEW FOR EXPANDED SERVICES

- ✓ *What do you think might help you to be successful?*
- ✓ *What are things you have tried before that work for you?*
- ✓ *Are there other organizations or resources with whom you interact that you would find helpful have us contact?*

Again, for any disability-related inquiry, staff must clearly inform the person that: (1) providing the information is voluntary; (2) the information will be kept confidential as provided by law; (3) refusal to provide information will not subject the applicant, employee or participant to any adverse treatment; and (4) the information will be used only in accordance with law. If a individual discloses a disability and requests an accommodation or modification, staff may enter into a conversation related to how Workforce Solutions of Central Texas can assist the person with accommodations or modifications.

5. Confidentiality

Any information that is disclosed is confidential. All staff will safeguard the confidentiality of the public served.

Workforce Solutions of Central Texas must keep any medical or disability-related information on its individuals confidential, with the following limited exceptions: (1) supervisors, managers and trainers at Workforce Solutions of Central Texas may be informed about a individual's disability, but only to explain limitations or reasonable accommodations; (2) first aid and safety personnel may be informed about a individual's disability or medical condition, but only if the disability or condition may require emergency treatment, including evacuation; and (3) other staff may be informed about a individual's disability or medical condition, but only on a need-to-know basis, interpreted narrowly.

All individual information related to a disability or medical condition must be: (1) kept in separate files, apart from all other information about an individual, applicant or employee; (2) stored securely with limited access (i.e., electronic files must be password protected, hard files must be locked); and (3) available only to authorized persons. Access to files containing medical or disability-related information is limited to staff members who work with the particular individual and require the confidential file information. This group is more limited than the group of staff members or others who may be informed about a individual's medical or disability status. For example, access to medical documentation that a participant is an individual with a disability should be limited to those staff that need to ensure that there is documentation supporting that disability status – for example, for purposes of documenting eligibility for a program or activity that includes disability status as an eligibility criterion. In addition, first aid personnel may need access to underlying documentation related to a participant's medical condition in an emergency.

Confidentiality is paramount.

6. Individual Information Disclosure to Employers

As a general rule, Workforce Solutions of Central Texas must not disclose medical or disability-related information about a individual to an employer to whom Workforce Solutions of Central Texas is referring a individual or an employer who is considering hiring the individual. Workforce Solutions of Central Texas may disclose information related to a individual's disability to an employer *only if*: (1) the job-seeker individual has made an independent decision to disclose to the employer; (2) the job-seeker has specifically asked Workforce Solutions of Central Texas or its center staff to make the disclosure on his or her behalf; and (3) the disclosure request has been initiated by the job-seeker individual, not by center staff.

Again, the disclosure must be voluntary on behalf of the individual. Staff cannot request, persuade, coerce or otherwise pressure the individual to get him or her to disclose medical or disability-related information.

Staff working on behalf of employers should not have access to any individual's file containing medical or disability-related information, except where necessary to document a individual's disability status for eligibility for an employer's remedial, voluntary, or affirmative action program, as discussed in section 5 above.

7. Staff Training

Staff who provide direct services will receive training on serving individuals with disabilities. The Workforce Solutions of Central Texas EO Officer ensures that personnel training is provided at an acceptable level. When available, the Disability Program Navigator can provide information, support and training to assist in meeting this standard.

Type of Training and Timeline for Training in Disability Related Topics:

- ***Initial Training*** - Should be completed by the end of ninety (90) days of the hire date of new employees.
 - Disability, Accommodations, WIOA Section 188 Policy;
 - Discrimination Complaint Procedure (basic);
 - Confidentiality & Privacy (inter/intra agency/business);
 - Sensitivity including communication etiquette;
 - Individual orientation services for people with disabilities.
- ***On-going Training*** - Training sessions for relevant staff should encompass all or part of the topics listed.
 - Elements 1-9 of the Methods of Administration;
 - Discrimination Complaint Procedure (advanced);
 - Basic knowledge and understanding of disabilities, including non-apparent or “hidden” disabilities;
 - Accommodations and adaptive equipment usage, including TTY skills for all staff who routinely are required to interact with individuals via telephone;
 - Self advocacy for individuals with disabilities;
 - Promoting individuals with disabilities to employers;
 - Disability related business assistance;
 - Methods of communications/outreach to people with disabilities and organizations that serve them.

Training Provided by the Equal Opportunity Officer: Staff are required to attend any training that is deemed necessary by the Equal Opportunity Officer, which includes but is not limited to specific elements of the Methods of Administration.

Documentation of Training: Workforce Solutions of Central Texas shall maintain a log of staff training and make it available to the Equal Opportunity Officer upon request.

9. Complaint Procedures and Timelines

Workforce Solutions of Central Texas will advise individuals, verbally and in written format, of their right to file a complaint. Any person who believes that s/he, or any class of persons, has been discriminated against on the basis of race, age, religion, color, disability, national origin, gender, political affiliation, belief, or genetic tests and information, or, for beneficiaries only, basis of citizenship/status as a lawfully admitted immigrant authorized to work in the United States, or participation in any WIOA Title I financially assisted program or activity, has the right to file a complaint.

Complaints must be filed within 180 days of the alleged discrimination, unless the Director of the U.S. Department of Labor Civil Rights Center (CRC) has extended the filing time for good cause shown. Complainants may file with the local Equal Opportunity Officer, or directly with the State Equal Opportunity Officer and/or the Director of the Civil Rights Center.

The complaint process provides for prompt and equitable resolution of complaints and includes the following elements in the initial written notice to the complainant:

1. Acknowledgement of receipt;
2. Notice of right to representation;
3. Written statement of issues raised in the complaint;
4. A period of fact-finding;
5. A period for resolution of the complaint. Methods of resolution must include alternative dispute resolution (ADR). The choice whether to use ADR or the customary process rests with the complainant; and
6. Written notice of final action that contains required information and that is issued within 90 days of the date on which the complaint is filed.

Upon receipt of a written complaint, the EO Officer is required to keep the following information confidential to the maximum extent possible, consistent with applicable law and fair determination of the complaint:

1. The fact that the complaint has been filed;
2. The identity of the complainant(s);
3. The identity of individual respondents to the allegations; and
4. The identity of any person(s) who furnished information relative to, or assisted in, a complaint investigation or compliance review.

If the local EO Officer determines that another entity has jurisdiction and it is appropriate to refer a complaint, the EO Officer promptly refers the complaint to that entity, properly informs those with a need to know of this decision, and explains why.

A separate system is maintained both locally and at the state level for logging, tracking and reporting discrimination complaints. This log should contain the following:

1. Date complaint was filed;
2. Name and address of complainant;
3. Basis of the complaint;
4. Description of complaint; and
5. Disposition of complaint.

The log must be stored in a way that ensures that the information on it remains confidential as required by law. Workforce Solutions of Central Texas will be monitored to ensure it is complying with the complaint process.

APPENDIX

EQUAL OPPORTUNITY IS THE LAW

It is against the law for this recipient of federal financial assistance to discriminate on the following bases: against any individual in the United States, on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, sex stereotyping, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, or political affiliation or belief, or, against any beneficiary of, applicant to, or participant in programs financially assisted under Title I of the Workforce Innovation and Opportunity Act, on the basis of the individual's citizenship status or participation in any WIOA Title I–financially assisted program or activity. The recipient must not discriminate in any of the following areas: deciding who will be admitted, or have access, to any WIOA Title I–financially assisted program or activity; providing opportunities in, or treating any person with regard to, such a program or activity; or making employment decisions in the administration of, or in connection with, such a program or activity. Recipients of federal financial assistance must take reasonable steps to ensure that communications with individuals with disabilities are as effective as communications with others. This means that, upon request and at no cost to the individual, recipients are required to provide appropriate auxiliary aids and services to qualified individuals with disabilities.

WHAT TO DO IF YOU BELIEVE YOU HAVE EXPERIENCED DISCRIMINATION

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: the recipient's Equal Opportunity Officer (or the person whom the recipient has designated for this purpose); or Director, Civil Rights Center (CRC), US Department of Labor 200 Constitution Avenue NW, Room N-4123, Washington, DC 20210 or electronically as directed on the CRC website at www.dol.gov/crc.

If you file your complaint with the recipient, you must wait either until the recipient issues a written Notice of Final Action, or until 90 days have passed (whichever is sooner), before filing with the CRC (see address above). If the recipient does not give you a written Notice of Final Action within 90 days of the day on which you filed your complaint, you may file a complaint with CRC before receiving that notice. However, you must file your CRC complaint within 30 days of the 90-day deadline (in other words, within 120 days after the day on which you filed your complaint with the recipient). If the recipient does give you a written Notice of Final Action on your complaint, but you are dissatisfied with the decision or resolution, you may file a complaint with CRC. You must file your CRC complaint within 30 days of the date on which you received the Notice of Final Action.

If you wish to file a complaint, please ask for the Workforce Solutions Office manager, or contact:

Central Texas Workforce Board dba Workforce Solutions of Central Texas
Wanda L. Williams, EO Officer, 200 North Main, P O Box 450, Belton TX 76513
254.742.4523 Telephone / 254.939.3207 Fax Number
Relay Texas: 711 or 1-800-735-2989 (TDD), 1-800-735-2988 (Voice)

Boone Fields, TWC EO Officer, 101 E. 15th Street, Room 504, Austin, Texas 78778
(512) 463-2400 / Fax: (512) 463-7804
Relay Texas: 1-800-735-2989 (TDD) 1-800-735-2988 (Voice)

Auxiliary aids and services are available upon request to individuals with disabilities.
Equal Opportunity Employer / Program

(version October 2017)