

**Purpose.**

The Southwest Wisconsin Workforce Development Board (SWWDB) will make reasonable effort to enable individuals with disabilities to participate, as independently as possible, in employment and program activities at facilities leased by SWWDB and at area job centers. SWWDB will provide reasonable accommodations, where appropriate, in a prompt and efficient manner. In compliance to 29 CFR Part 38 "Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Innovation and Opportunity Act", the Reasonable Accommodation Policy supports SWWDB commitment to meeting needs of individuals with disabilities in employment and service delivery activities.

Policy.

In accordance with Federal obligations under the Americans with Disabilities Act, Section 503 of the Rehabilitation Act, and Section 188 of the Workforce Innovation and Opportunity Act (WIOA) and other applicable state and local disability related regulations, SWWDB shall provide reasonable accommodations and modifications to qualified persons with disabilities who are employees, applicants for employment and program participants unless to do so would cause an undue hardship or pose a direct threat.

With regard to any aid, benefit, service, training, and employment, SWWDB shall provide reasonable accommodations to qualified individuals with disabilities who are applicants, registrants, eligible applicants/registrants, participants, employees, or applicants for employment, unless providing the accommodation would cause undue hardship.

Unless determined an "undue hardship", SWWDB shall, at a minimum, provide reasonable accommodation when:

- A qualified applicant with a disability needs an accommodation to have an equal opportunity to compete for a job;
- A qualified employee with a disability needs an accommodation to perform the essential functions of the employee's job;
- A qualified employee with a disability needs an accommodation to enjoy equal access to benefits and privileges of employment (e.g., trainings, office sponsored events); and
- A qualified program participant with a disability needs an accommodation to enjoy equal access to its policies, practices, and procedures for the registration for and provision of core, intensive, training and support program services.

A determination of undue hardship is a detailed process that incorporates several factors relating to SWWDB's financial resources, operations, and facilities/sites. This process is detailed in SWWDB Procedure, B-560-1 Reasonable Accommodation Determination.

With regard to any aid, benefit, service, training, and employment, SWWDB shall also make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination based on a disability, unless making the modifications would fundamentally alter the nature of the service, program, or activity.



A determination that a request for an accommodation would fundamentally alter the nature of SWWDB's services, programs or activities is a detailed process that is listed SWWDB Procedure, B-560-1 Reasonable Accommodation Determination.

The term "reasonable accommodation" means a modification or adjustment to the job, the work environment, or the way things usually are done that enable a qualified individual with a disability to enjoy an equal employment opportunity. Essential functions are, by definition, those that the individual who holds the job would have to perform, with or without reasonable accommodation, in order to be considered qualified for the position.

Not all Accommodation requests can be honored. Sometimes an applicant, employee or program participant may ask for an accommodation that is not reasonable or necessary, that poses an "undue hardship" (i.e. too costly or disruptive to operation) on the organization or its employees or that might threaten the safety of the individual who has made the request or of others. Even in those cases, SWWDB will discuss whether some other form of workplace accommodation may be effective.

It shall be the responsibility of the applicant, employee or program participant to inform SWWDB that an accommodation is needed. An accommodation request may be made to any of the following:

- SWWDB's Equal Opportunity Officer
- Immediate supervisor or program career specialist/case manager
- SWWDB's Human Resource office

An applicant, employee or program participant may request a reasonable accommodation at any time, even if the individual has not previously disclosed the existence of a disability or the need for an accommodation. A request is any communication in which an individual asks or states that he or she needs SWWDB to provide or change something because of a medical condition.

The reasonable accommodation process begins as soon as possible after the request is made.

The applicant, employee or program participant is responsible for requesting a reasonable accommodation or providing sufficient notice to SWWDB or partner agency that an accommodation is needed. An initial request for accommodation may be made in any manner (e.g., writing, electronically, in person or orally). The individual requesting an accommodation does not have to use any special words and does not have to mention the ADA or use the phrase "reasonable accommodation" or "disability." Oral requests must be documented in writing to ensure efficient processing of requests. [Request form is available.](#)

The Reasonable Accommodation Policy was developed to ensure individuals with disabilities are provided full access to employment opportunities and SWWDB administered program benefits. It provides an overview of SWWDB intent to proactively address reasonable accommodation requests. This policy is supported SWWDB Procedure, B-560-1 Reasonable Accommodation Determination.

SWWDB's Equal Opportunity Officer (EOO), appointed by the Chief Executive Officer (CEO), shall provide



technical implementation guidance relating to this policy, and conduct monitoring of service providers to ensure their compliance to this policy and corresponding procedure.

Equal Opportunity Officer
Ryan Schomber
1900 Center Avenue
Janesville, WI 53546
Email: r.schomber@swwdb.org
Phone: (608) 314-3300 Ext. 303
Fax: (608) 741-3528

SWWDB expects all employees, clients, program participants, vendors, associates, and agencies receiving funding from SWWDB to comply with this policy of reasonable accommodation and, as appropriate, develop their own reasonable accommodation policies and procedures.

Non-response to requests or retaliation against persons request for an accommodation(s) or information on accommodations is prohibited. Non-compliance to this policy or any type of retaliation will be subject to disciplinary action or sanctions up to and including employment termination, discharge or expulsion from SWWDB sponsored activities, and/or non-renewal of contracts.

The Chief Executive Officer (CEO) shall ensure the Reasonable Accommodation Policy is compliant to government regulations and ensure applicants, employees, and participants are afforded reasonable accommodation to fullest extent allowed within the guidelines of this policy and corresponding procedures. The CEO shall ensure staff members, including service providers, receive reasonable accommodation training. The Equal Opportunity Officer, under the direction of and in consultation with the CEO, shall be operationally responsible for the documentation, training, and compliance efforts relating to this policy.

Reference: Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Innovation and Opportunity Act, 29 CFR Part 38 (§38.4 (yy), §38.4 (rr), §38.14, and §38.4(z))
SWWDB Procedure, B.560.1 Reasonable Accommodation Determination

Policy Adopted: December 10, 2004
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