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Individuals with Disabilities: South Central Region Reasonable Accommodation Plan

The South Central region Procedures fully comply with the requirements of the Rehabilitation Act of 1973. Under the law, The South Central region must provide reasonable accommodation to qualified program applicants or participants with disabilities, unless to do so would cause undue hardship. The region is committed to providing reasonable accommodations to its applicants for services and participants to ensure that individuals with disabilities enjoy equal access to all program opportunities. The region provides reasonable accommodations:

- when an applicant with a disability needs an accommodation to have an equal opportunity to receive services;
- when a participant with a disability needs an accommodation to participate in services at the Job Center; and
- when a participant with a disability needs an accommodation to enjoy equal access to services and benefits of participation in the Job Center programs.

The South Central region will process requests for reasonable accommodation and will provide reasonable accommodations where appropriate, in a prompt and efficient manner in accordance with the time frames set forth in this Plan.

A. Requesting Reasonable Accommodation

Generally, a program applicant or participant must let the Job Center know that he needs an adjustment or change concerning some aspect of the application process, the participation in, or a benefit of services for a reason related to a medical condition. A request does not have to include any special words, such as "reasonable accommodation," "disability," "medical condition" or "Rehabilitation Act". A request is any communication in which an individual asks or states that she needs the Job Center to provide or to change something because of a need. Staff do not need to be told what the medical condition is or get proof of that condition before providing a no-cost accommodation. A **program applicant or participant** may request a reasonable accommodation at any time, **orally or in writing**. An individual may request a reasonable accommodation to any staff member in the Job Center. *If the requested accommodation does not cost money to provide, is provided through a statewide contract, or will not disrupt the services at the job center, all staff have the ability to grant the request as soon as it is made.*

For reasonable accommodations that will be provided with local funds, Job Center staff must let the EO Officer know within two business days of the request. The program applicant/participant with the assistance of the Job Center staff, if needed, will complete the SCWIB Accommodation Request Form (Attachment 1)

B. Processing the Request

The South Central region Equal Opportunity Officer (EO) is responsible for processing requests for reasonable accommodation. The SCWIB Executive Director will designate another SCWIB staff member or board member to act as a back-up for the EO to process requests when the EO is unavailable for any length of time (e.g., the EO is on vacation or out on extended leave). While the EO has responsibility for processing requests for reasonable accommodation, the EO may work closely with Job Center staff and the SCWIB Board of Directors when responding to the request, particularly those involving participation in training programs outside of the Job Center. The EO will need to consult with a program applicant's/participant's case manager/WE supervisor/instructor to gather relevant information necessary to respond to a request and to assess whether a particular accommodation will be effective. No reasonable accommodation involving participation in an intensive or training activity will be provided without first informing the participant's supervisor or instructor, as appropriate.

C. The Interactive Process

1. Generally

After a request for accommodation has been made, the next step is for the parties to begin the interactive process to determine what, if any, accommodation should be provided. This means that the individual requesting the accommodation and the EO must communicate with each other about the request, the precise nature of the problem that is generating the request, how a disability is prompting a need for an accommodation, and alternative accommodations that may be effective in meeting an individual's needs.

The EO will contact the program applicant or participant within 10 business days after the request is made (even if the request is initially made to someone else) to begin discussing the accommodation request. In some instances, the EO may need to get information to determine if an individual's impairment is a "disability" under the Rehabilitation Act or to determine what would be an effective accommodation. Such information may not be necessary if an effective accommodation is obvious, if the disability is obvious (e.g., the requestor is blind or has paraplegia) or if the disability is already known to the Job Center (e.g., the requestor previously asked for an accommodation and information submitted at that time showed a disability existed and that there would be no change in the individual's medical condition).

Communication is a priority throughout the entire process, but particularly where the specific limitation, problem, or barrier is unclear; where an effective accommodation is not obvious; or where the parties are considering different forms of reasonable accommodation. Both the individual making the request and the decision maker should work together to identify effective accommodations.

When a third party, (e.g., an individual's doctor or another program staff person) requests accommodation on behalf of a program applicant or participant, the EO should, if possible, confirm with the program applicant or participant that he wants a reasonable accommodation before proceeding. Where this is not possible, the EO will process the third party's request if it seems appropriate and will consult directly with the individual needing the accommodation as soon as practicable.

D. Requests for Medical Information

If a requestor's disability and/or need for accommodation are not obvious or already known, the South Central region (specifically the EO) is entitled to ask for and receive medical information showing that the requestor has a covered disability that requires accommodation. A disability is

obvious or already known when it is clearly visible or the individual previously provided medical information showing that the condition met the Rehabilitation Act definition. It is the responsibility of the program applicant/participant to provide appropriate medical information requested by the region where the disability and/or need for accommodation are not obvious or already known.

Only the EO may determine whether medical information is needed and, if so, may request such information from the requestor and/or the appropriate health professional. Even if medical information is needed to process a request, the EO does not necessarily have to request medical documentation from a health care provider; in many instances the requestor may be able to provide sufficient information that can substantiate the existence of a “disability” and/or need for a reasonable accommodation. If an individual has already submitted medical documentation in connection with a previous request for accommodation, the individual should immediately inform the EO of this fact. The EO will then determine whether additional medical information is needed to process the current request.

If the initial information provided by the health professional or volunteered by the requestor is insufficient to enable the EO to determine whether the individual has a “disability” and/or that an accommodation is needed, the EO will explain what additional information is needed. If necessary, the individual should then ask his/her health care provider or other appropriate professional to provide the missing information. The EO may also give the individual a list of questions to give to the health care provider or other appropriate professional to answer. If sufficient medical information is not provided by the individual after several attempts, the EO may ask the individual requesting accommodation to sign a limited release permitting the EO to contact the provider for additional information. The EO may have the medical information reviewed by a doctor of the agency’s choosing, at the agency’s expense.

In determining whether documentation is necessary to support a request for reasonable accommodation and whether a program applicant or participant has a disability within the meaning of the Rehabilitation Act, the EO will be guided by principles set forth in the ADA Amendments Act of 2008. Specifically, the ADA Amendments Act directs that the definition of “disability” be construed broadly and that the determination of whether an individual has a “disability” generally should not require extensive analysis. Notwithstanding, the EO may require medical information in order to design an appropriate and effective accommodation.

A case manager, WE supervisor or instructor who believes that a participant may no longer need a reasonable accommodation should contact the EO. The EO will decide if there is a reason to contact the participant to discuss whether s/he has a continuing need for reasonable accommodation.

E. Confidentiality Requirements

Under the Rehabilitation Act, medical information obtained in connection with the reasonable accommodation process must be kept confidential. This means that all medical information that the South Central region obtains in connection with a request for reasonable accommodation must be kept in files separate from the individual’s program file. This includes the fact that an accommodation has been requested or approved and information about functional limitations. It also means that any region employee who obtains or receives such information is strictly bound by these confidentiality requirements.

The EO may share certain information with a participant's WE supervisor or instructor(s) as necessary to make appropriate determinations on a reasonable accommodation request. Under these circumstances, the EO will inform the recipients about these confidentiality requirements. The information disclosed will be no more than is necessary to process the request. In certain situations, the EO will not necessarily need to reveal the name of the requestor and/or the office in which the requestor receives service, or even the name of the disability.

EXAMPLE

The IT department generally will be consulted in connection with requests for assistive technology for computers. While IT needs to know the participant's functional limitations, it typically has no need to know the participant's specific disability.

In addition to disclosures of information needed to process a request for accommodation, other disclosures of medical information are permitted as follows:

- case managers/WE supervisors/instructors are entitled to whatever information is necessary to implement restrictions on the work or duties of the participant or to provide a reasonable accommodation;
- first aid and safety personnel may be informed, when appropriate, *if* the disability might require emergency treatment or assistance in evacuation; and
- government officials may be given information necessary to investigate the region's compliance with the Rehabilitation Act.
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F. Time Frame for Processing Requests and Providing Reasonable Accommodations

1 Generally

The time frame for processing a request (including providing accommodation, if approved) is as soon as possible but no later than **30 business days from the date the request is made**. This 30-day period includes the 10-day time frame in which the EO must contact the requestor after a request for reasonable accommodation is made.

South Central region will process requests and, where appropriate, provide accommodations in as short a period as reasonably possible. The time frame above indicates the maximum amount of time it should generally take to process a request and provide a reasonable accommodation. The EO will strive to process the request and provide an accommodation sooner, if possible. Unnecessary delays can result in a violation of the Rehabilitation Act.

The time frame begins when an oral or written request for reasonable accommodation is made, and not necessarily when it is received by the EO **Therefore, everyone involved in processing a request should respond as quickly as possible.** This includes referring a request to the EO, contacting a doctor if medical information or documentation is needed, and providing technical assistance to the EO regarding issues raised by a request (e.g., information from a WE supervisor regarding the essential functions of an employee's position, information from IT regarding compatibility of certain adaptive equipment with the region's technology).

If the EO must request medical information or documentation from a requestor's doctor, the time frame will stop on the day that the EO makes a request to the individual to obtain medical information or sends out a request for information/documentation, and will resume on the day that the information/documentation is received by the EO.

If the disability is obvious or already known to the EO, if it is clear why reasonable accommodation is needed, and if an accommodation can be provided quickly, then the EO should not require the full 30 business days to process the request.

2. Expedited Processing of a Request

In certain circumstances, a request for reasonable accommodation requires an expedited review and decision. This includes where a reasonable accommodation is needed:

- **to enable an applicant to apply for a the program or a job.** Depending on the timetable for receiving applications, conducting interviews, taking tests, and making hiring decisions, there may be a need to expedite a request for reasonable accommodation to ensure that an applicant with a disability has an equal opportunity to apply for a job or program services.
- **to enable a participant to attend a meeting/class scheduled to occur soon.** For example, a participant may need a sign language interpreter for a meeting/class scheduled to take place in 5 days.

3. Extenuating Circumstances

These are circumstances that **could not reasonably have been anticipated or avoided in advance** of the request for accommodation, **or that are beyond the region's ability to control**. When extenuating circumstances are present, the time for processing a request for reasonable accommodation and providing the accommodation will be extended as reasonably necessary. Extensions will be limited to circumstances where they are absolutely necessary and only for as long as required to deal with the extenuating circumstance.

G. Resolution of the Reasonable Accommodation Request

All decisions regarding a request for reasonable accommodation will be communicated to a program applicant or participant by use of email, regular mail, or phone, as well as orally.

1. If region **grants a request for accommodation**, the EO will give a letter to the requestor, and discuss implementation of the accommodation. The letter will be completed even if the region is granting the request without determining whether the requestor has a "disability" and regardless of what type of change or modification is approved
 - A decision to provide an accommodation other than the one specifically requested will be considered a decision to grant an accommodation. The letter will explain both the reasons for the denial of the individual's specific requested accommodation and why the region believes that the chosen accommodation will be effective.
 - If the request is approved but the accommodation cannot be provided immediately, the EO will inform the individual in writing of the projected time frame for providing the accommodation.
2. If the region **denies a request for accommodation**, the EO will provide a letter to the requestor and discuss the reason(s) for the denial. When completing the letter, the explanation for the denial will clearly state the specific reason(s) for the denial. This means that the region cannot simply state that a requested accommodation is denied because of "undue hardship" or because it would be "ineffective." Rather, the letter will state and the EO will explain specifically **why** the accommodation would result in undue hardship or why it would be ineffective.

- If there is a legitimate reason to deny the specific reasonable accommodation requested (e.g., the accommodation poses an undue hardship or is not required by the Rehabilitation Act), the EO will explore with the individual whether another accommodation would be possible. The fact that one accommodation proves ineffective or would cause undue hardship does not necessarily mean that this would be true of another accommodation. Similarly, if a program applicant/participant requests removal of an essential program element or some other action that is not required by law, the EO will explore whether there is a reasonable accommodation that will meet the individual's needs.
- If the EO offers an accommodation other than the one requested, but the alternative accommodation is not accepted, the EO will record the individual's rejection of the alternative accommodation in the confidential record.

H. Informal Dispute Resolution

An individual dissatisfied with the resolution of a reasonable accommodation request can ask the Chairman of the SCWIB Board of Directors to reconsider that decision. An individual must request reconsideration within **10 business days** of receiving the letter form the EO.

I. Information Tracking and Reporting

In order for the region to ensure compliance with these Procedures and the Rehabilitation Act, the EO will maintain a "Reasonable Accommodation Information Reporting" excel spreadsheet.

This document will be the basis of an annual report to be issued to the SCWIB Board of Directors that will provide a qualitative assessment of the region's reasonable accommodation program, including any recommendations for improvement of the region's reasonable accommodation policies and these Procedures. This annual report **will not contain confidential information about specific requests for reasonable accommodations, such as the names of individuals that requested accommodations or the accommodations requested by specific individuals**. Rather, this report will provide only general information, such as the total number of requests for accommodations, the types of accommodations requested, and the length of time taken to process requests.

J. INQUIRIES AND DISTRIBUTION

Any Job Center employee wanting further information concerning this Plan may contact the Equal Opportunity Officer (EO) via e-mail at glen.farrow@dhewd.mo.gov Program Applicants may contact the EO at the email: glen.farrow@dhewd.mo.gov or by calling 417-991-9570 or MO Relay 711 This Plan shall be distributed to all Job Center staff upon issuance, and annually thereafter. They also will be posted on SCWIB website www.scwib.org. This Plan will be provided in alternative formats when requested from the EO by, or on behalf of, any program applicant or participant.