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FROM: Linda Franks
LWIA 24 Equal Opportunity Officer

RE: **EQUAL OPPORTUNITY DIRECTIVE 2015-EO-3, Procedures for
Serving Persons with Disabilities**

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

Section 504 of the Rehabilitation Act, at 29 U.S.C. § 794 (as amended), Title II of the Americans With Disabilities Act (ADA), at 42 U.S.C. § 12101 *et seq.* (as amended), and the Workforce Innovation Opportunity Act (WIOA) of 2014, at 29 U.S.C. § 2938 provide that no person shall, on the basis of disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

We receive WIOA Title I financial assistance, which is governed by the Rehabilitation Act, the ADA, and WIOA. As a result, we are obliged to comply with the disability-based nondiscrimination and equal opportunity mandates of these statutes. Specifically, we must ensure that persons with disabilities (visual, hearing, cognitive, mobility) have access to, and are able to participate in, our WIOA Title I-financially assisted programs and activities. To that end, I developed this directive to assist you in properly greeting and serving persons with disabilities.

Each of you are responsible for understanding and utilizing these procedures when serving persons with disabilities, including the fact that any auxiliary aid or service, or assistive technology used, must be provided *at no cost* to the person with a disability. You are encouraged to explore www.dol.gov/odep, which has a variety of resources and guidance developed by the U.S. Department of Labor to assist us in serving persons with disabilities. It is important that we are able to serve persons with disabilities from the point of initial contact and continuing.

Based on the foregoing, EQUAL OPPORTUNITY DIRECTIVE 2015-EO-3 is being issued, and is **effective immediately**.

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

✓ **What is our focus in serving persons with disabilities?**

In serving persons with visual, hearing, cognitive, and/or mobility impairments, it is our policy to focus on what a customer *can do*, and we shall be proactive in determining whether there are auxiliary aids and services available to assist the customer in utilizing his or her abilities. It is our policy to provide *individualized* treatment for all members of the public seeking to participate in our programs and activities, including members of the public with disabilities.

- A “can do” attitude. In serving persons with visual, hearing, cognitive, and/or mobility impairments, it is our policy to focus on what a customer *can do*, and we shall be proactive in determining whether there are auxiliary aids and services available to assist the customer in utilizing his or her abilities. It is our policy to provide *individualized* treatment for all members of the public seeking to participate in our programs and activities, including members of the public with disabilities.
- An “integrated setting.” Moreover, we must make every effort to ensure persons with disabilities are served in an “integrated setting” to the extent possible. This means we will not segregate persons with disabilities from our other customers in the process of delivering WIOA Title I-financially assisted services, aid, training, and benefits. Our policy is to provide all persons with disabilities (visual, hearing, cognitive, and/or mobility) with architectural and programmatic access to our programs and activities. For example, a computer skills course would be offered on the first floor of a building that does not have an elevator so persons with mobility impairments are able to join other persons without such impairments. Another example is to have sign language interpretation and/or CART services available during orientation sessions so that persons with hearing impairments may attend these sessions alongside persons without hearing impairments. Or, having computers equipped with large print screens in your self-service areas would allow persons with visual impairments to work alongside our other customers without visual impairments.

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There are times, however, when you will perform an *individualized* assessment of a *particular individual* with a disability, and you will conclude the individual needs special, segregated services in order to have meaningful access to, or a meaningful opportunity to participate in, the program or activity. Under these circumstances, segregated services may be provided to the individual.

- Periodic evaluation of job qualifications. You must be vigilant in reviewing job qualifications for referrals, apprenticeships, training, and the like. During this review, you will look to see whether there are any qualifications that would, if applied, result in prohibited disability-based discrimination. Discriminatory qualifications must be removed.

- Limitations on pre-employment and employment medical inquiries.

Federal law limits the nature and extent of medical and/or disability-related information that may be collected from an individual. For detailed guidance on this limitation, see Equal Opportunity Directive 2013-EO-6, Procedures for Gathering, Disclosing, Using, and Storing Medical Information.

✓ **Federally-required taglines.**

Federal law requires that the following taglines be placed on your website, and on all other written materials:

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

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

Within 45 calendar days of the date of issuance of this directive, each of you are required to review all existing written materials in your custody related to the delivery of our WIOA Title I-financially assisted programs and activities to determine whether the foregoing taglines are present. These materials include, but are not limited to, brochures, recruitment and orientation materials, written advertisements, flyers, and any other written announcements related to our WIOA Title I-related programs and activities.

If, on review, you find that certain existing written materials do not have the required taglines, you must remedy this immediately. One of the most cost-effective ways to accomplish this is to type the foregoing taglines *verbatim* on self-adhesive labels, and affix a label to each written document that does not have the taglines.

You must ensure that the federally-required taglines are included on all written materials developed in the future.

Examples of auxiliary aids and services available through our network of services providers include sign language interpretation services, Communication Access Real Time services, Braille printing machine, large screen monitors, adaptive mouse and keyboard options, closed caption televisions for enlarging text, assistive listening devices, screen and text reading software, text enlarging software, TDD/TTY and relay services, and "Browsealoud" technology is available in our Valpar Rooms. To find a location offering a particular auxiliary aid or service not available at your location, or to obtain training regarding the use of one or more auxiliary services or aids at your location, please contact me.

✓ **Serving persons with hearing impairments.**

We will employ the available resource through the State of Illinois Deaf and Hard of Hearing Commission to provide certified sign language interpreters in order to help us serve hearing-impaired customers, including the Communication Access Real Time (CART) services. Their contact information is as follows:

Illinois Deaf and Hard of Hearing Commission

528 South 5th Street, Suite 209
Springfield, IL 62701

V: 877-455-3323 * 217-557-4495

VP: 217-303-8010

TTY: 888-261-2698

Fax: 217-557-4492

Website: www.idhhc.illinois.gov

We also have a Memorandum of Understanding with a partnering agency Department of Rehabilitation Services (DORS), which is available to provide a list of certified sign language interpreters as well. The local contact information is as follows:

Department of Rehabilitation Services

601 S High St
Belleville, IL 62220

Phone: (618) 235-5300

TTY: (888) 460-5133

Fax: (618) 235-5163

Website: www.dhs.state.il.us

It is critical that we make every effort to serve persons with hearing impairments in the same manner as persons without disabilities. Thus, if a person with a hearing impairment comes through your doors and indicates s/he needs sign language interpreter and/or CART services, refer to the Illinois Deaf and Hard of Hearing Commission CART Provider Directory immediately so that these accommodations may be provided to the customer.

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In addition, wherever we provide a telephone number (on a website, or on any written material), we must provide a TDD/TTY number or relay number for persons with hearing impairments. Every person in your organization must understand how to access and use these technologies, as needed.

For locations with a TDD/TTY system, each person at the location must understand how to operate the system. If you need training to use the TDD/TTY system at your location, contact me and I will make arrangements for you to be trained.

If your location does not have a TDD/TTY system, or your system is temporarily non-operational, then you must use Illinois Relay 711. Every employee, whether located at a facility with a TDD/TTY system or not, must understand how to access and use the relay system. Detailed instructions regarding the use of the 7-1-1 relay system is located at Appendix C of this directive. If you would like additional guidance or training on the use of this system, contact me and I will make arrangements for you to be trained. Again, we want to be able to properly greet and serve our hearing impaired customers.

✓ **Serving persons with visual impairments.**

Visual impairments fall along a broad spectrum from minimal near- or far-sightedness to blindness. Regardless of the existence and extent of a visual impairment, we must ensure that every person seeking aid, benefits, services, or training receives the "Equal Opportunity Is the Law" notice, and has meaningful access to, and a meaningful opportunity to participate in, our WIOA Title I-financially assisted programs and activities.

I have ensured that you have copies of the "Equal Opportunity Is the Law" notice in Braille and/or large print for use at your location. Contact me immediately, if you are out-of-stock so that I may get more copies to you immediately.

If you greet a person with a visual impairment, but you do not have the "Equal Opportunity Is the Law" notice immediately available at your location in large print or Braille, as appropriate, then the entire "Equal Opportunity Is the Law" notice must be read aloud to the person with a visual impairment. You must then follow-up and provide a printed version of the "Equal Opportunity Is the Law" notice (*i.e.* in Braille or large print, as appropriate) to the person with a visual impairment as soon as practicable.

For additional assistance in serving persons with disabilities, including persons with visual impairments, you may also contact the Illinois Rehabilitation Services in Springfield, IL. The contact information is as follows:

Illinois Rehabilitation Services

535 West Jefferson Street, 1st Floor

Springfield, IL 62702

Phone: (217) 782-4830 (voice),

FAX: (217) 524-0758

TTY: (888) 440-8990

Website: www.dhs.state.il.us

For the office nearest you, you may call (800) 843-6154. In addition to providing assistance in serving persons with visual impairments, Illinois Rehabilitation Services is available to assist us in serving persons with any type of disability.

You may also go to the Department of Human Services website at <http://www.dhs.state.il.us/page.aspx?module=12&officetype=&county=St%20C>.

✓ **Requests for reasonable accommodation/modification**

A formal request for reasonable accommodation or modification of policies, practices, and procedures (meaning completion of a Form EO-2 at Appendix A) should be used *only if* the foregoing auxiliary aids, services, and/or assistive technologies are unavailable, or are otherwise ineffective. In other words, requests should not be used for sign language interpreters, CART services, or Braille and large print versions of the "Equal Opportunity Is the Law" notice where you are able to arrange for these auxiliary aids and services while the customer is standing in front of you.

For formal accommodation requests, I will engage in a highly-individualized and fact-specific process. There are no bright-line rules defining what constitutes a reasonable accommodation. Each request must be considered on its own merits. The following procedures shall be followed in the event that a member of the public with a disability seeking access to, or participation in, our programs and activities wants to request accommodation or modification.

✓ **The process**

1. The customer may make the request orally or in writing personally, or through a representative (family member, friend, or the like). If the request is made to any member of the staff at your location, the staff member shall promptly notify me of the request. The words "reasonable accommodation" or "reasonable modification" need not be used; rather, the customer or his or her representative merely needs to indicate that an adjustment is needed due to the nature of the customer's limitations, medical condition, or disability.

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2. In the event accommodation or modification is not available at the time of the customer's initial oral or written request, the staff member shall assist the customer, or the customer's representative, in completing a Form EO-2, Disability-Based Accommodation Request Form for Federally-Assisted Programs and Activities (Appendix A), which shall be promptly forwarded to me at the following:

Linda Franks
LWIA 24 Equal Opportunity Officer
St. Clair County Intergovernmental
Grants Department
19 Public Square, Suite 200
Belleville, IL 62220
Telephone: (618) 825-3266
TTY (English): (800) 526-0844
TTY (Spanish): (800) 501-0864
Voice/ITRC: (800) 501-0865
lfranks@co.st-clair.il.us

3. At that point, I will engage in an interactive discussion with the customer, or the customer's representative, to explore potential accommodations or modifications that will allow effective access to, and participation in, the program or activity at issue. Reasonable accommodation or modification may be provided for qualified persons with disabilities. In determining the appropriate accommodation or modification, I will consider and weigh the following factors:

- the nature of the limitation(s), medical condition, or disability at issue and whether it meets the definition of "disability" (*i.e.* it substantially limits performance of a major life activity)
- how the limitation, condition, or disability impairs the customer's access to, or participation in, the program or activity at issue

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- how the requested accommodation/modification would allow him or her access to, and/or to participate in, the program or activity
- whether the customer meets the essential eligibility requirements for the service, aid, training, or benefit at issue even without accommodation
- whether an accommodation/modification is necessary to enable the customer access to, or participation in, the program or activity
- whether the requested accommodation/modification is reasonably designed to help the customer have access to, or participate in, the program or activity
- whether an accommodation/modification would impose an "undue hardship"
- whether any alternative accommodations/modifications would help the customer have access to, or participate in, the program or activity.

Granting the requested accommodation/modification

Within fifteen (15) business days of my receipt of the [accommodation][modification] request, if, after considering all relevant information and going through the interactive process, I determine that the [accommodation][modification] request should be granted, I will: (1) inform the customer or customer's representative in writing that the request is granted; (2) provide an estimated time frame for the implementation process; (3) ensure timely implementation of the [accommodation][modification]; and (4) keep a written record of the decision. See Appendix B ("Determination Template for Disability-Based Accommodation/Modification Request").

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Offering an alternative accommodation/modification

Within fifteen (15) business days of my receipt of an [accommodation][modification] request, if, after considering all relevant information and going through the interactive process, I determine that an [accommodation][modification], other than the one requested by the customer or customer's representative, will be offered, I will speak with the customer or customer's representative to determine whether the customer will accept the alternative [accommodation][modification].

If the customer accepts the alternative [accommodation][modification], then within fifteen (15) business days of the date on which I am notified of the customer's acceptance, I will: (1) issue a written decision stating the alternative [accommodation][modification] has been offered to, and accepted by, the customer; (2) provide an estimated timeframe for the implementation process; (3) ensure timely implementation of the alternative [accommodation][modification]; and (4) keep a written record of the decision. See Appendix B ("Determination Template for Disability-Based accommodation/modification request").

Denying accommodation/modification

Within fifteen (15) business days of my receipt of the [accommodation][modification] request, if, after considering all relevant information and going through the interactive process, I determine that the [accommodation][modification] request should be denied and no alternative [accommodation][modification] is available, I will: (1) inform the customer or customer's representative in writing that the request is denied, (2) provide notice to the customer of his or her right to file a discrimination complaint with the Civil Rights Center, and (3) keep a written record of the decision. See Appendix B ("Determination Template for Disability-Based Accommodation/Modification Request").

or

Within fifteen (15) business days of the date on which I am notified of the customer's rejection of my offer of an alternative [accommodation][modification], then I will issue a determination denying the accommodation request. See Appendix B ("Determination Template for Disability-Based Accommodation/Modification Request"). In this determination, I will: (1) inform the customer of the reasons for the denial; (2) provide notice to the customer of his or her right to file a discrimination complaint with the Civil Rights Center; and (3) keep a written record of the decision. See Appendix B ("Determination Template for Disability-Based Accommodation/Modification Request").

✓ **Questions?**

If you have any questions, you may contact me at the following:

Linda Franks
LWIA 24 Equal Opportunity Officer
St. Clair County Intergovernmental
Grants Department
19 Public Square, Suite 200
Belleville, IL 62220
Telephone: (618) 825-3266
TTY (English): (800) 526-0844
TTY (Spanish): (800) 501-0864
Voice/ITRC: (800) 501-0865
lfranks@co.st-clair.il.us

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✓ **Gathering, handling, and storing medical information.**

Medical data related to any beneficiary or potential beneficiary of our WIOA Title I-financially assisted programs and activities must be gathered, handled, and stored in compliance with EQUAL OPPORTUNITY DIRECTIVE 2015-EO-6, Procedures for Gathering, Disclosing, Using, and Storing Medical Information.

✓ **Additional resources.**

To assist you in serving persons with disabilities, the following resources may be useful. Free resources may be utilized by you anytime. However, if a monetary cost is associated with a resource, you must contact me for review and either approval or denial of the use of the resource.

- **Job Accommodation Network (JAN)**

This is a service of the U.S. Department of Labor's Office of Disability Employment Policy. JAN provides information, which is *free-of-charge*, regarding many types of reasonable accommodations. Expert consultants are available toll-free at (800) 526-7234 (voice), and (877) 781-9403 (TTY). The JAN website, located at <http://askjan.org>, contains a wealth of information about a wide variety of accommodations and strategies.

- **The U.S. Access Board**

This is an independent federal government agency that offers research, training, and consultation services related to accessibility for persons with disabilities. Their website is located at <http://www.access-board.gov>, which also provides links to numerous disability organizations. The telephone numbers are (202) 272-0080 (voice), (800) 872-2253 (toll-free voice), and (202) 272-0082 (TTY), (800) 993-2822 (toll-free TTY). Or, you may contact them online at info@access-board.gov.

- **ADA Disability and Business Technical Assistance Centers (DBTACs)**

The DBTACs are federally-funded regional centers, which are part of the ADA National Network. These centers provide information, training, and technical assistance on the ADA. Each center works with local businesses as well as disability, governmental, rehabilitation, and other professional networks to provide current ADA information and assistance. DBTACs place a special emphasis on meeting the needs of small businesses. The DBTACs can make referrals to local sources of expertise regarding various accommodations. Their number is (800) 949-4232 (voice/TTY).

- **Registry of Interpreters for Persons with Hearing Impairments**

This registry offers information on locating and using interpreters and transliteration services. The telephone numbers are (703) 838-0038 (voice) and (703) 838-0459 (TTY). Their website is located at <http://www.rid.org/>.

- **Equip for Equality of Illinois**

Equip for Equality's mission is to advance the human and civil rights of persons with disabilities (hearing, visual, cognitive, mobility) in Illinois. Through this website, you can locate, and connect with, a wide variety of organizations, associations, and businesses. Their website may be found at <http://www.equipforequality.org/resourcecenter/illinoiswebsites.php>. The telephone number is (312) 341-0022 (voice) and (800) 537-2632 (toll-free voice) as well as (800) 610-2779 (TTY).

- **RESNA Technical Assistance Project**

RESNA, the Rehabilitation Engineering and Assistive Technology Society of North America, can refer individuals to projects in all 50 states and the six U.S. territories offering technical assistance on technology-related services for individuals with disabilities. Services may include: (1) information and referral centers to help determine what devices may assist a person with a disability (including access to large databases containing information on thousands of commercially available assistive technology products); (2) centers where individuals can test devices and equipment; (3) assistance obtaining funding for and repairing devices; and (4) equipment exchange and recycling programs. The telephone number is (703) 524-6686 (voice). Their website is located at <http://www.resna.org>.