



NONDISCRIMINATION AND EQUAL OPPORTUNITY PROCEDURES

PURPOSE

This policy provides guidance and establishes the procedures regarding nondiscrimination and equal opportunity procedures.

This policy supersedes Local Policy Bulletin #2015-07 Policy on Non-discrimination and Equal Opportunity, dated July 1, 2015. Retain this policy until further notice.

SCOPE

The Workforce Development Board of Ventura County (WDBVC) and its contractors and subrecipients.

REFERENCES

- Workforce Services Directive WSD17-01, Nondiscrimination and Equal Opportunity Procedures (August 1, 2017)
- Civil Rights Act of 1964 (Public Law 88-352) Titles VI and VII
- Education Amendments of 1972 (Public Law 92-318) Title IX
- Rehabilitation Act of 1973 (Rehab Act) (Public Law 93-112) Title V, Section 504
- Age Discrimination Act of 1975 (Public Law 94-135)
- Americans with Disability Act of 1990 (ADA) (Public Law 101-336)
- Workforce Innovation and Opportunity Act (WIOA) (Public Law 113-128) Sections 121(b), 183(c), and 188
- Title 20 Code of Federal Regulations (CFR) Section 658.400
- Title 28 CFR Part 35, Subpart A
- Title 29 CFR Parts 31, 32, 34, 38, and 1690-1691
- Title 41 CFR Part 101-19, Subpart 101-19.6
- Title 45 CFR Part 90, Subpart D, Section 90.43(c)(3)
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency (LEP)
- Fair Employment and Housing Act, Government Code, Section 12900 - 12996
- Dymally-Alatorre Bilingual Services Act (DABSA), Government Code, Section 7290-7299.8
- Workforce Services Directive WSD17-05, Oversight and Monitoring of Nondiscrimination and EO Procedures (August 29, 2017)

POLICY

The nondiscrimination and equal opportunity provisions found in Section 188 of WIOA and 29 CFR Part 38 prohibit discrimination on the basis of race; color; religion; sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity); national origin (including LEP); age; disability; political affiliation or belief; or, for beneficiaries, applicants, and participants only, on the basis of citizenship status or participation in a WIOA Title I-financially assisted program or activity.

Definitions

For purposes of this policy, the following definitions apply:

Complaint – An allegation of a violation of the nondiscrimination and equal opportunity provisions.

Recipient – Any entity to which financial assistance under the WIOA Title I is extended, either directly from the Department of Labor (DOL) or through the Governor or another recipient (including any successor, assignee, or transferee of a recipient), but excluding the ultimate beneficiaries of the WIOA Title I funded program or activity. In addition, One-Stop partners, as defined in Section 121(b) of WIOA, are treated as "recipients" and are subject to the nondiscrimination and equal opportunity requirements of 29 CFR Part 38, to the extent that they participate in the One-Stop delivery system (29 CFR Section 38.4[zz]).

Assurances

Contracts, cooperative agreements, job training plans, and policies and procedures must contain the nondiscrimination assurance specified in 29 CFR Section 38.25 and 38.26. The nondiscrimination assurance must state that the grant applicant will “comply fully with the nondiscrimination and equal opportunity provisions of the WIOA” (29 CFR Part 38 Preamble) and acknowledge the government’s right to seek judicial enforcement of the nondiscrimination assurance.

Also in accordance with 29 CFR Section 38.25, each application for federal financial assistance under WIOA Title I must include the nondiscrimination assurance. Application for assistance is defined as the process by which required documentation is provided to the Governor, recipient, or the DOL prior to, and as a condition of, receiving federal financial assistance under WIOA Title I (including both new and continuing assistance).

EO Officers

The WDBVC designated an EO Officer who is responsible for coordinating its obligation under these regulations. The state requires that WDBVC notify the EDD’s Equal Employment Opportunity (EEO) Office whenever the designation of the WDBVC EO Officer changes. The WDBVC EO Officer’s responsibilities include the following:

- Serving as the liaison with the EDD EEO Office.
- Investigating and monitoring the WDBVC and its subrecipients' WIOA Title I funded activities and programs.
- Reviewing the WDBVC's organizations' and its subrecipients' written policies.
- Developing, publishing, and enforcing the WDBVC's discrimination complaint procedures.
- Conducting outreach and education about equal opportunity and nondiscrimination requirements consistent with 29 CFR Section 38.40, and how an individual may file a complaint consistent with 29 CFR Section 38.69.
- Participating in continuing training and education, and ensuring that assigned staff receives the necessary training and support to maintain competency.
- Informing participants, employees, and program beneficiaries of their equal opportunity rights and responsibilities, and how the discrimination complaint process works.

The WDBVC will assign sufficient staff and resources to the EO Officer to ensure compliance with the nondiscrimination and equal opportunity provisions of the WIOA and 29 CFR Part 38.

The WDBVC's EO Officer's contact information is publicized at the local level through a variety of means, including posters, handouts, and listings in local directories. The WDBVC's EO Officer's identity and contact information appears on all internal and external communications about the recipient's nondiscrimination and equal opportunity programs.

Service Providers

Service providers, as defined in 29 CFR Section 38.4, do not need to designate an EO Officer with the full responsibilities as described above, but must designate an individual who will be responsible for the developing and publishing of complaint procedures and the processing of complaints as required by 29 CFR Section 38.72 through 38.75.

Notice and Communication

A recipient must provide initial and continuing notice that it does not discriminate on any prohibited basis. Attachments I and II of this policy contain the notice/poster relating to Equal Opportunity is the Law along with language highlighting the right to file a complaint under *What to Do if You Believe You Have Experienced Discrimination*. This notice/poster meets the following criteria (29 CFR Section 38.36[a]):

- Posted prominently, in reasonable numbers and places, in available and conspicuous physical locations and on the recipient's website pages.
- Disseminated in internal memoranda and other written or electronic communications with staff.
- Included in employee and participant handbooks or manuals regardless of form, including electronic and paper form if both are available.

- Provided to each participant and employee; the notice must be made part of each employee's and participant's file. It must be a part of both paper and electronic files, if both are maintained.

The notice must be provided in appropriate formats to registrants, applicants, eligible applicants/registrants, and applicants for employment and employees and participants with visual impairments. Where notice has been given in an alternate format to registrants, applicants, eligible applicants/registrants, participants, applicants for employment and employees with a visual impairment, a record that such notice has been given must be made part of the employee's or participant's file. The notice must be provided in appropriate languages other than English (29 CFR Section 38.36[b]).

As it concerns communication, recipients must indicate that the WIOA Title I-financially assisted program or activity in question is an "equal opportunity employer/program," and that "auxiliary aids and services are available upon request to individuals with disabilities." This must be included on recruitment brochures and other materials that are ordinarily distributed or communicated in written and/or oral form, electronically and/or on paper to staff, clients, or the public at large, to describe programs financially assisted under WIOA Title I or the requirements for participation by recipients and participants.

Where such materials indicate that the recipient may be reached by voice telephone, the materials must also provide the TTY number or equally effective communications system, such as a videophone, captioned telephone, or a relay service. The California Relay Service can be reached by dialing 711 or 1-800-735-2922.

Recipients that publish or broadcast program information in the news media must ensure that such publications and broadcasts state that the WIOA Title I-financially assisted programs or activity in question is an equal opportunity employer/program (or otherwise indicate that discrimination in the WIOA Title I-financially assisted program or activity is prohibited by Federal law) and indicate that auxiliary aids and services are available upon requests to individuals with disabilities.

A recipient must not communicate any information that suggests, by text or illustration, that the recipient treats beneficiaries, registrants, applicants, participants, employees or applicants for employment differently on any prohibited basis, except as such treatment is otherwise permitted under federal law or regulation.

During each presentation to orient new participants, new employees, and/or the general public to its WIOA Title I-financially assisted programs or activity, whether this be in person or over the internet or using other technology, a recipient must include a discussion of rights and responsibilities under the nondiscrimination and equal opportunity provisions of WIOA Section 188 and 29 CFR Part 38, including the right to file a complaint of discrimination with the recipient or the Director of the CRC. This information must be communicated in appropriate languages as

required in 29 CFR Section 38.9 and in formats accessible for individuals with disabilities as required in 29 CFR Part 38 and specified in Section 38.15.

In California, the DABSA requires that when state and local agencies serve a "substantial number of non-English-speaking people," they must employ a "sufficient number of qualified bilingual staff in public contact positions" and translate documents explaining available services in their clients' language. The DABSA establishes specific legal mandates for state agencies, but allows local agencies discretion in establishing the level and extent of bilingual services they provide.

Data and Information Collection and Maintenance

Each recipient must collect and maintain nondiscrimination data. The system and format in which the records and data are kept must be designed to allow the Governor and the CRC to conduct statistical or other quantifiable data analyses to verify the recipient's compliance with Section 188 of the WIOA and 29 CFR Part 38.

Nondiscrimination data must include, but is not limited to, records on applicants, registrants, eligible applicants/registrants, participants, terminees, employees, and applicants for employment. Each recipient must record the race/ethnicity, sex, age, and where known, disability status, of every applicant, registrant, participant, terminee, applicant for employment, and employee. Such information must be kept for a period of not less than three years from the close of the applicable program year, stored in a manner that ensures confidentiality, and must be used only for the purposes of any of the following:

- Recordkeeping and reporting.
- Determining eligibility, where appropriate, for WIOA Title I-financially assisted programs or activities.
- Determining the extent to which the recipient is operating its WIOA Title I-financially assisted program or activity in a nondiscriminatory manner.
- Other use authorized by law.

Any medical or disability-related information obtained about a particular individual, including information that could lead to the disclosure of a disability, must be collected on separate forms. All such information, whether in hard copy, electronic, or both, must be maintained in one or more separate files, apart from any other information about the individual, and treated as confidential. Whether these files are electronic or hard copy, they must be locked or otherwise secured (e.g., through password protection).

LEP and Preferred Language Data

As indicated in 29 CFR Section 38.41, "LEP and preferred language" has been added to the list of categories of information that each recipient must record about each applicant, registrant, eligible applicant/registrant, participant, and terminee. It should be noted that this data collection obligation would not apply to applicants for employment and employees because the

obligation as to LEP individuals in 29 CFR Section 38.9 does not apply to those categories of individuals. A recipients' collection of information relates directly to serving (not employing) LEP individuals.

As it relates to the collection of "LEP and preferred language" data, the CRC has decided to delay enforcement for two years from the January 3, 2017 effective date of 29 CFR Part 38 in order to allow recipients adequate time to update their data collection and maintenance systems. This means that full compliance is required by January 3, 2019, when the CRC will begin enforcing the collection of "LEP and preferred language" data.

Discrimination Complaint Log

Each recipient must promptly notify the WDBVC when any administrative enforcement actions or lawsuits are filed against it alleging discrimination on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including LEP), age, disability, or political affiliation or belief, or, for beneficiaries, applicants, and participants only, on the basis of citizenship or participation in a WIOA Title I-financially assisted program or activity.

Each recipient must maintain a log (Attachment V) of complaints filed with the recipient that allege discrimination on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin, age, disability, political affiliation or belief, citizenship, and/or participation in a WIOA Title I-financially assisted program or activity. The log must include the following:

- The name and address of the complainant
- The basis of the complaint
- A description of the complaint
- The date the complaint was filed
- The disposition and date of disposition of the complaint
- Other pertinent information

Information that could lead to identification of a particular individual as having filed a complaint must be kept confidential.

The WDBVC requires a copy of the recipient's complaint log annually (each calendar year). Please e-mail the complaint log to HSA-Info.WDB@ventura.org.

Affirmative Outreach

The guidelines found in 29 CFR Section 38.40 require recipients to take appropriate steps to ensure that they are providing equal access to their WIOA Title I-financially assisted programs and activities. These steps should involve reasonable efforts to include members of the various

groups protected by 29 CFR Part 38 including but not limited to persons of different sexes, various racial and ethnic/national origin groups, various religions, LEP individuals, individuals with disabilities, and individuals in different age groups. Such efforts may include, but are not limited to, the following:

- Advertising the recipient's programs and/or activities in media such as newspapers or radio programs that specifically target various populations.
- Sending notices about openings in the recipient's programs and/or activities to schools or community service groups that serve various populations.
- Consulting with appropriate community service groups about ways in which the recipient may improve its outreach and service to various populations.

Discrimination Prohibited Based on Disability

In providing any aid, benefit, service, or training under a WIOA Title I-financially assisted program or activity, whether directly or through contractual, licensing, or other arrangements, on the basis of disability, a recipient must not do any of the following:

- Deny a qualified individual with a disability the opportunity to participate in or benefit from the aid, benefit, service, or training, including meaningful opportunities to seek employment and work in competitive integrated settings.
- Afford a qualified individual with a disability an opportunity to participate in or benefit from the aid, benefits, services, or training that is not equal to that afforded others.
- Provide a qualified individual with a disability with any aid, benefit, service, or training that is not as effective in affording equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as that provided to others.
- Provide different, segregated, or separate aid, benefit, service, or training to individuals with disabilities, or to any class of individuals with disabilities, unless such action is necessary to provide qualified individuals with disabilities with any aid, benefit, service, or training that is as effective as those provided to others, and consistent with the requirements of the Rehab Act as amended by the WIOA, including those provisions that prioritize opportunities in competitive integrated employment.
- Deny a qualified individual with a disability the opportunity to participate as a member of planning or advisory boards.
- Otherwise limit a qualified individual with a disability in enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving any aid, benefit, service, or training.

Accessibility Requirements

No qualified individual with a disability may be excluded from participation in, or be denied the benefits of a recipient's service, program, or activity or be subjected to discrimination by any recipient because a recipient's facilities are inaccessible or unusable by individuals with

disabilities. Recipients that are subject to Title II of ADA of 1990 must also ensure that new facilities or alterations of facilities that began construction after January 26, 1992, comply with the applicable federal accessible design standards, such as the ADA Standards for Accessible Design (1991 or 2010) or the Uniform Federal Accessibility Standards. In addition, recipients that receive federal financial assistance must meet their accessibility obligations under Section 504 of the Rehab Act and the implementing regulations at 29 CFR Part 32. Some recipients may be subject to additional accessibility requirements under other statutory authority, including Title III of the ADA that is not enforced by the CRC. As indicated in Section 38.3(d)(10), compliance with this part does not affect a recipient's obligation to comply with the applicable ADA Standards for Accessible Design.

All WIOA Title I-financially assisted programs and activities must be programmatically accessible. This includes providing reasonable accommodations for individuals with disabilities, making reasonable modifications to policies, practices, and procedures, administering programs in the most integrated setting appropriate, communicating with persons with disabilities as effectively as with others, and providing appropriate auxiliary aids or services, including assistive technology devices and services, where necessary to afford individuals with disabilities an equal opportunity to participate in, and enjoy the benefits of, the program or activity. Recipients shall complete the Physical & Program Accessibility Checklist (Attachment VI) each program year.

Reasonable Accommodation and Reasonable Modifications for Individuals with Disabilities

With regard to any aid, benefit, service, training, and employment, a recipient must 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. For more information on what would constitute undue hardship as it relates to a reasonable accommodation of individuals with disabilities, please see the definition of “undue burden or undue hardship” found in 29 CFR Section 38.4(rrr)(1).

With regard to any aid, benefit, service, training, and employment, a recipient must also make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless making the modifications would fundamentally alter the nature of the service, program, or activity, which would constitute a fundamental alteration. For more information, see the definition of “fundamental alteration” found in 29 CFR Section 38.4(z).

In those circumstances where a recipient believes that the proposed accommodation would cause undue hardship, or the proposed modification would fundamentally alter the program, the recipient has the burden of proving that compliance with this section would result in such hardship and alteration. The recipient must make the decision that the accommodation would cause such hardship or result in such alteration only after considering all factors listed in the definitions of "undue hardship" and "fundamental alteration." The decision must be accompanied by a written statement of the recipient's reasons for reaching that conclusion. The

recipient must provide a copy of the statement of reasons to the individual(s) who requested the accommodation or modification.

If a requested accommodation would result in undue hardship or a modification would result in a fundamental alteration, the recipient must take any other action that would not result in such hardship or such alteration but would nevertheless ensure that individuals with disabilities receive the aid, benefits, services, training or employment provided by the recipient.

In addition, a recipient must take appropriate steps to ensure that communications with individuals with disabilities, such as beneficiaries, registrants, applicants, eligible applicants/registrants, participants, applicants for employment, employees, members of the public, and their companions are as effective as communications with others.

A Reasonable Accommodation Policy and Procedure Guide (Attachment IV) should be used when processing reasonable accommodation requests. This document should contain two sections: (1) provide general guidance and definitions for use when processing reasonable accommodation requests, and (2) provide step-by-step instructions on how to process these requests.

Service Animals

Generally, a recipient shall modify its policies, practices, or procedures to permit the use of a service animal by an individual with a disability.

Mobile Aids and Devices

A recipient must permit individuals with mobility disabilities to use wheelchairs and manually-powered mobility aids, such as walkers, crutches, canes, braces, or other similar devices designed for use by individuals with mobility disabilities, in any areas open to pedestrian use.

A recipient must make reasonable modifications in its policies, practices, or procedures to permit the use of other power-driven mobility devices by individuals with mobility disabilities, unless the recipient can demonstrate that the class of other power-driven mobility devices cannot be operated in accordance with legitimate safety requirements that the recipient has adopted.

Complaint Processing Procedures

- Any person who believes that he or she or any specific class of individuals has been or is being subjected to discrimination prohibited by the nondiscrimination and equal opportunity provisions of the WIOA may file a written complaint by using the Discrimination Complaint Form (Attachment III). It should be noted that a representative may also file a complaint on behalf of a person who believes that they have been subjected to discrimination.

- The complaint may be filed either with the WDBVC's EO Officer (or the person designated for this purpose), or directly with the CRC at DOL, 200 Constitution Avenue N.W., Room N 4123, Washington, D.C. 20210.
- A complaint filed, pursuant to 29 CFR Section 38.69, must be filed within 180 days of the alleged discrimination. The CRC, if shown good cause, may extend the filing time. In order to receive an extension, the complainant must be notified that a waiver letter is to be filed with the CRC. The waiver letter should include the reason the 180 day time period elapsed. This time period for filing is for the administrative convenience of the CRC and does not create a defense for the respondent.
- Complaints must be filed in writing by completing the Discrimination Complaint Form (Attachment III). It should be noted that both complainant and respondent have the right to be represented by an attorney or other individual of his or her choice.
- An Alternative Dispute Resolution (ADR). The complainant must be offered ADR immediately upon receipt of the complaint. The choice whether to use ADR rests with the complainant.

The preferred form of ADR is mediation. Mediation is a voluntary process during which a neutral third party assists both parties (complainant and respondent), communicates their concerns, and comes to an agreement about how to resolve a dispute. The mediator does not make decisions, rule as to who is right or wrong, nor take sides or advocate for one side or the other. The role of the mediator is to help with communication so the parties can reach an understanding about how to best resolve their differences.

As the law allows, mediation proceedings and the information shared are confidential and no information divulged during this mediation may be used in court or any legal or administrative proceedings.

If the parties do not reach an agreement under ADR, the complainant may file directly with the CRC as described in 29 CFR Sections 38.69 through 38.72.

A party to any agreement reached under ADR may file a complaint with the CRC in the event the agreement is breached. In such circumstances, the following rules will apply:

- The non-breaching party may file a complaint with the CRC within 30 days of the date on which the non-breaching party learns of the alleged breach.
- The CRC must evaluate the circumstances to determine whether the agreement has been breached. If the CRC determines that the agreement has been breached, the complainant may file a complaint with the CRC based upon his or her original allegation(s), and the CRC will waive the time deadline for filing such a complaint.

Complaints filed with the WDBVC

The WDBVC EO Officer shall issue a written acknowledgement of receipt by the WDBVC of a complaint alleging discrimination by a WIOA Title I recipient and shall include a notice of the complainant's right to representation in the complaint process.

If the complainant elects not to participate in the ADR process, the WDBVC EO Officer shall investigate the circumstances underlying the alleged complaint.

Conciliation

At any point in the investigation of the complaint, the complainant, respondent, or the WDBVC EO Officer may request that the parties attempt conciliation. The WDBVC EO Officer shall facilitate such conciliation efforts.

Conciliation is a process whereby the parties to a dispute agree to utilize the services of a conciliator, who then meets with the parties separately in an attempt to resolve their differences. Conciliation differs from mediation in that the main goal is to conciliate, most of the time by seeking concessions.

If the conciliator is successful in negotiating an understanding between the parties, said understanding is almost always committed to writing (usually with the assistance of legal counsel) and signed by the parties, at which time it becomes a legal binding contract and falls under contract law.

The WDBVC shall be allowed 90 days to issue a Notice of Final Action from the date on which the complaint was filed. If, during the 90-day period, the WDBVC issues a decision that is not acceptable to the complainant, the complainant or his or her representative may file a complaint with the CRC within 30 days after the date on which the complainant receives the Notice.

If the 90 days expire and the complainant does not receive a Notice of Final Action from the WDBVC, or the WDBVC failed to issue a Notice of Final Action, the complainant or his/her representative may file a complaint with the CRC within 30 days of the expiration of the 90-day period. In other words, the complaint must be filed with the CRC within 120 days of the date on which the complaint was filed with the WDBVC.

The CRC may extend the 30-day time limit if the complainant is not notified, as provided in 29 CFR Section 38.77, or for other good cause shown.

The WDBVC shall notify the complainant in writing immediately upon determining that it does not have jurisdiction over a complaint that alleges a violation of the nondiscrimination and equal opportunity provisions of the WIOA. The Notice of Lack of Jurisdiction must also include the basis for such determination, as well as a statement of the complainant's right to file a written complaint with the CRC within 30 days of receipt of the Notice.

During the resolution process, the WDBVC EO Officer shall assure that all parties involved are given due process. These due process elements include the following:

- A notice to all parties of the specific charges
- A notice to all parties of the responses to the allegations
- The right of both parties to representation
- The right of each party to present evidence, and to question others who present evidence
- A decision made strictly on the evidence on the record

Actions by the CRC

The CRC determines acceptance of a complaint filed pursuant to 29 CFR Section 38.78. When the CRC accepts a complaint for investigation, it shall do the following:

- Notify the WDBVC and the complainant of the acceptance of the complaint for investigation.
- Advise the WDBVC and complainant on the issues over which the CRC has accepted jurisdiction.

The WDBVC, the complainant, or a representative may contact the CRC for information regarding the complaint filed. When a complaint contains insufficient information, the CRC will seek the needed information from the complainant. If the complainant is unavailable after reasonable efforts have been made to reach him or her, or the information is not provided within the time specified, the complaint file may be closed without prejudice upon written notice sent to the complainant's last known address (29 CFR Section 38.79).

In accordance with WIOA Section 183(c), the CRC may issue a subpoena to the complainant to appear and give testimony and/or produce documentary evidence, before a designated representative, relating to the complaint being investigated. Issuing a subpoena can be done any place in the U.S., at any designated time and place.

Where the CRC lacks jurisdiction over a complaint, the CRC shall do the following:

- Notify the complainant, explaining why the complaint is not covered by the nondiscrimination and equal opportunity provisions of the WIOA or 29 CFR Part 38.
- Refer the complainant to the appropriate federal, state, or local authority, when possible.

The CRC will notify the complainant when a claim is not to be investigated and explain the basis for that determination.

The CRC will refer complaints governed by the Age Discrimination Act of 1975 to mediation as specified in 45 CFR Section 90.43(c)(3).

If the complainant alleges more than one kind of complaint, "joint complaint" (e.g., individual employment discrimination, age discrimination, equal pay discrimination, etc.), the CRC shall refer such joint complaint to the Equal Employment Opportunity Commission for investigation and conciliation under the procedures described in 29 CFR, Parts 1690 or 1691, as appropriate. The CRC will advise the complainant and the WDBVC of the referral.

Under the AJCC delivery system where the complainant alleges discrimination by an entity that operates a program or activity financially assisted by a federal grant making agency other than DOL, but participates as a partner in the AJCC delivery system, the following procedures apply:

- If the complainant alleges discrimination on a basis that is prohibited both by Section 188 of the WIOA and by a civil rights law enforced by the federal grant making agency, the CRC and the grant making agency have dual jurisdiction over the complaint. The CRC will refer the complaint to the grant making agency for processing. The grant making agency's regulations will govern the processing of the complaint.
- If the complainant alleges discrimination on the basis that is prohibited by Section 188 of the WIOA, but not by any civil rights laws enforced by the federal grant making agency, the CRC has sole jurisdiction over the complaint and will retain and process the complaint pursuant to 29 CFR Part 38. The CRC will advise the complainant and the WDBVC of the referral.

The CRC may offer the parties of a complaint the option of mediating the complaint. In such circumstances, the following rules apply:

- Because mediation is voluntary, both parties must consent before the mediation process proceeds.
- The mediation will be conducted under the guidance issued by the CRC.
- If the parties are unable to reach resolution of the complaint through the mediation, the CRC will investigate and process the complaint under 29 CFR Sections 38.82 through 38.88.

After making such a cause finding, the CRC shall issue an Initial Determination. The Initial Determination shall notify the complainant and the WDBVC, in writing, of the following:

- The specific findings of the investigation
- The proposed corrective or remedial action and the time by which the corrective or remedial action must be completed
- Whether it will be necessary for the WDBVC to enter into a written agreement
- The opportunity to participate in voluntary compliance negotiations

Where a no cause determination is made, the CRC must issue a Final Determination to the complainant and the WDBVC. The Final Determination represents the DOL's final agency action on the complaint.

Complaint Determinations

A Letter of Findings, Notice to Show Cause, or Initial Determination issued pursuant to 29 CFR Sections 38.86 or 38.87, 38.88 and 38.89, or 38.90, respectively, must include the steps and the specific time period it will take the WDBVC to achieve voluntary compliance. See Section 38.90 for corrective action steps. Monetary corrective action may not be paid from federal funds.

Intimidation and Retaliation are Prohibited

No recipient may discharge, intimidate, retaliate, threaten, coerce, or discriminate against any individual because the individual has filed a complaint alleging any of the following:

- A violation of the WIOA.
- Opposed a practice prohibited by the nondiscrimination and equal opportunity provisions of the WIOA.
- Furnished information to, or assisted or participated in any manner in an investigation, review, hearing, or any other activity related to administration of, exercise of authority under, or exercise of privilege secured by the nondiscrimination and equal opportunity provisions of WIOA or 29 CFR Part 38.

The sanctions and penalties contained in these procedures may be imposed against any recipient who engages in any such retaliation or intimidation, or fails to take necessary steps to prevent such activity.

Oversight and Monitoring Responsibilities

The WDBVC is responsible for the oversight and monitoring of all WIOA Title I-financially assisted programs. Additionally, the WDBVC must annually monitor all service providers, including eligible training providers, for compliance with Section 188 of the WIOA and 29 CFR Part 38. Consequently, the WDBVC will conduct ANNUAL monitoring reviews of recipients. The annual monitoring reviews will ensure that the recipients are in compliance with the nondiscrimination and equal opportunity provisions of the WIOA. The WDBVC will determine whether each recipient is conducting its WIOA Title I-financially assisted program or activity in a nondiscriminatory way.

The WDBVC will keep copies of their compliance monitoring efforts and reports on file. The WDBVC's compliance monitoring reports will be used as an assessment reference when developing Corrective Action Plans, and for scheduled onsite monitoring reviews that may be required by authorized federal and state reviewers.

ACTION

Bring this policy to the attention of all affected staff.

INQUIRIES

Inquiries regarding this policy can be addressed to the WDBVC at 805-477-5306.

/S/ Rebecca Evans, Executive Director
Workforce Development Board of Ventura County

ATTACHMENTS:

- Attachment I - Equal Opportunity is the Law/What to do if You Believe You Have Experienced Discrimination Poster
- Attachment II - Equal Opportunity is the Law/What to do if You Believe You Have Experienced Discrimination Acknowledgement Form
- Attachment III - Discrimination Complaint Form
- Attachment IV - Reasonable Accommodation Policy and Procedure Guide
- Attachment V - Discrimination Complaint Log
- Attachment VI - Physical & Program Accessibility Checklist

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; 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* (WIOA), 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 the Director, Civil Rights Center (CRC), U.S. 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 the 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*.

WORKFORCE INNOVATION AND OPPORTUNITY ACT (WIOA) LA IGUALDAD A LA OPORTUNIDAD ES LA LEY

Es contra la ley para este programa, el cual es financiado por el gobierno federal, discriminar a un individuo que reside en los Estados Unidos con base a: su raza, color de piel, religión, sexo (que incluye embarazo, parto, o condición médica, estereotipos sexuales, estado transgénero, e identidad de género), origen nacional (que incluye personas con dominio limitado del idioma inglés), edad, discapacidad, afiliación política o creencia, o cualquier individuo que haya recibido pagos de beneficios, solicitado, o participado en programas que reciben financiamiento bajo el Título I Workforce Innovation and Opportunity Act (WIOA) de la ley titulada en inglés, por sus siglas en inglés, con base a su estado de ciudadanía o su participación en cualquiera de los programas o actividades financiados por la misma ley.

Los programas que reciben financiamiento por parte del gobierno federal deben tomar los pasos razonables para asegurar que su comunicación con cualquier persona con una discapacidad sea efectiva, igual que como lo haría con cualquier otra persona. Esto significa que cuando una persona con una discapacidad solicite ayuda, los programas que reciben financiamiento por parte del gobierno federal son requeridos de proporcionar la ayuda apropiada y proveer servicios a las personas con discapacidades que sean elegibles para obtener sus servicios sin costo adicional

¿QUE HACER SI USTED CREE QUE HA EXPERIMENTADO DISCRIMINACIÓN?

Si usted cree que ha sido discriminado por el programa que recibe financiamiento por parte del gobierno federal bajo el Título I de la ley titulada en inglés Workforce Innovation and Opportunity Act (WIOA), usted puede presentar una queja dentro de 180 días a partir de la fecha en que ocurrió el incidente. Su queja debe ser presentada por escrito al oficial de igualdad de oportunidad (Equal Opportunity Officer) o a la persona designada por el programa; o el Centro de Derechos Civiles (Civil Rights Center) del Departamento del Trabajo (Department of Labor) a: **Director, Civil Rights Center (CRC), Department of Labor 200 Constitution Avenue NW, Room N-4123 Washington, DC 20210** O electrónicamente como se indica en el sitio web del CRC en www.dol.gov/crc.

Si usted primero presenta su queja con la persona designada del programa, usted debe esperar recibir una respuesta por escrito titulada en inglés Notice of Final Action por parte de la persona designada del programa o dejar pasar 90 días, lo que ocurra primero, antes de presentar su queja con el Centro de Derechos Civiles (CRC).

Si la persona designada del programa no le envía la notificación titulada en inglés Notice of Final Action dentro de 90 días después de la fecha en que usted presentó su queja, usted no tiene que esperar más tiempo para presentar su queja con el Centro de Derechos Civiles (CRC), pero asegúrese de presentar su queja con el Centro de Derechos Civiles (CRC) dentro de 30 días después de la fecha límite del período de 90 días (en otras palabras, usted debe presentar su queja dentro de 120 días después de haber presentado su queja con la persona designada del programa).

Si la persona designada del programa sí le envía la notificación titulada en inglés Notice of Final Action, pero no está satisfecho con la determinación hecha o la resolución propuesta para su caso, usted entonces puede presentar su queja con el Centro de Derechos Civiles (CRC). Usted tiene que presentar su queja con el Centro de Derechos Civiles (CRC) dentro de 30 días después de la fecha en que usted haya recibido la notificación titulada en inglés Notice of Final Action.

PARA INFORMACION O PARA REGISTRAR UNA QUEJA, COMUNIQUESE CON

Andrea Sanchez, EQUAL OPPORTUNITY OFFICER
Andrea.Sanchez@ventura.org
County of Ventura
2901 N. Ventura Road, Oxnard, CA 93036
805-477-5306

Este aviso es efectivo inmediatamente y será efectivo hasta aviso adicional.

Yo certifico que han dado la oportunidad de discutir la forma de "Igualdad de Oportunidad la Ley" con un representante de Servicios de Carrera (WIOA) Título I.

Por favor ser avisado. Información que usted le da al programa de Servicios de Carrera (WIOA) Título I puede ser disponible a agencias Federales, Estatales y locales y a sus contratistas que administran programas de trabajo y entrenamiento.

Nombre en

molde: _____

Firma: _____

Fecha: _____

Ayudantes auxiliares y servicios están disponibles para individuos con incapacidades
Programa de Oportunidades de Igualdad del Empleo
TTY por favor llamar a (800) 735-2922

WORKFORCE INNOVATION AND OPPORTUNITY ACT (WIOA) EQUAL OPPORTUNITY IS THE LAW

It is against the law for this recipient of Federal financial assistance to discriminate on the following basis: 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; 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 (WIOA), 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), U.S. 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.

FOR INFORMATION OR TO FILE A COMPLAINT, CONTACT

Andrea Sanchez, EQUAL OPPORTUNITY OFFICER
Andrea.Sanchez@ventura.org
County of Ventura
2901 N. Ventura Road, Oxnard, CA 93036
805-477-5306

Effective Date: This notice is effective immediately and will remain in effect until further notice

I certify that I have been afforded an opportunity to discuss the "EQUAL OPPORTUNITY IS THE LAW" notice with a Career Services (WIOA) Title I Representative.

Please be advised. Information you provide to the Career Services (WIOA) Title I program may be made available to the Federal, State or Local agencies and their subcontractors who administer employment and training programs.

Print Name: _____

Signature: _____

Date: _____

Auxiliary aids and services are available upon request to individuals with disabilities.
Equal Opportunity Employer Program
TTY No: 1(800) 735-2922

DISCRIMINATION COMPLAINT FORM
WORKFORCE DEVELOPMENT BOARD OF VENTURA COUNTY

This form should be used by anyone in the workforce development community system who wishes to file a discrimination complaint against any person(s)/entity. To file a discrimination complaint, complete this form, sign on page 4 and return to the Workforce Development Board of Ventura County Equal Opportunity Officer.

1. Complainant Information

☐ Miss ☐ Ms. ☐ Mrs. ☐ Mr. ☐ Other

Home Phone: () -

Work Phone: () -

Cell: () -

Name: _____

Street Address: _____

City: _____ Email: _____

State: _____ Zip Code: _____

2. Complainant Contact Information

When is it a convenient time during business hours (8 a.m. to 5 p.m.) to contact you by phone about this complaint?

Day	Monday	Tuesday	Wednesday	Thursday	Friday
Time					
Phone					

3. Contact Information for the Person(s) Who You Claim Discriminated Against You

Provide the name of the entity where person(s) work(s):

Name of person(s) who discriminated against you: _____

Address of person(s)/entity: _____

City: _____ State: _____ ZIP Code: _____

Phone: () -

Date of first occurrence: _____

Date of most recent occurrence: _____

4. Tell Us About the Incident(s)

- Explain briefly what happened and how you were discriminated against.
- Provide the date(s) when the incident(s) occurred.
- Indicate who discriminated against you. Include names and titles if possible.
- If other people were treated differently than you, tell us how they were treated differently.
- Attach any documents that you think might help us better understand your complaint.

5. Please List Below Any Person(s) (Witnesses) That We May Contact for Additional Information to Support or Clarify the Complaint.

Name	Address	Phone

6. Basis for the Discrimination

Check the type of discrimination you experienced, such as age, race, color, national origin, disability, etc. If you believe more than one basis was involved, you may check more than one box.

- | | |
|--|---|
| <input type="checkbox"/> Age- <i>provide date of birth:</i> | <input type="checkbox"/> Citizenship |
| <input type="checkbox"/> Color | <input type="checkbox"/> Disability |
| <input type="checkbox"/> National Origin (Including limited English proficiency) | <input type="checkbox"/> Religion |
| <input type="checkbox"/> Retaliation | <input type="checkbox"/> Harassment |
| <input type="checkbox"/> Gender - Specify <input type="checkbox"/> F <input type="checkbox"/> M | <input type="checkbox"/> Sex (including including pregnancy, childbirth, or related medical conditions, gender identity, and transgender status) |
| <input type="checkbox"/> Race - indicate race: | <input type="checkbox"/> Status as a program participant under the <i>Workforce Innovation Opportunity Act</i> |
| <input type="checkbox"/> Political Affiliation or Belief | <input type="checkbox"/> Other (Specify): |

7. Have You Previously Filed a Complaint Against this Person(s)/Entity? ☐ Yes ☐ No

If YES, answer the questions below, if NO move to section 8.

10. Alternate Dispute Resolution (ADR) Also Known as Mediation

Notice—You must indicate if you wish to mediate your case. The Local Area Workforce Development Area cannot begin to process your complaint until you have made a selection. Please check **YES** or **NO** in the spaces below.

- Mediation is an alternative to having your complaint investigated.
- Neither party loses anything by mediating.
- The parties to the complaint review the facts, discuss opinions about the facts, and strive for an agreement that is satisfactory for both.
 - Agreement to mediate is not an admission of guilt by the person(s)/entity that you claim discriminated against you.
 - Mediation is conducted by a trained, qualified and impartial mediator.
 - You (or your Personal Representative) have control to negotiate a satisfactory agreement.
 - **Terms of the agreement are signed by the complainant and the person(s)/entity that you claim discriminated against you.**
 - **Agreements are legally binding on both parties.**
 - If an agreement is not reached, a formal investigation will start.
 - Failure to keep an agreement will result in a formal investigation.
 - A formal investigation will be opened if retaliation is reported.
- **Do you wish to mediate your complaint?**
(Please check only one box)

☐ **YES**, I want to mediate. ☐ **NO**, please investigate.

If you select “YES” you will be contacted within five business days with more information.

11. Complainant Signature

Your signature on this form will initiate the processing of this complaint. By signing this form, you are declaring under penalty of perjury that the information included is true and correct to the best of your knowledge of belief.

Signature:

Date:

REASONABLE ACCOMMODATION POLICY AND PROCEDURE GUIDE

I. Introduction

The purpose of this guide is to assist local entities who are funded with *Workforce Innovation and Opportunity Act* (WIOA) or *Wagner-Peyser* (W-P) Act funding, in processing reasonable accommodation requests. Each entity will ensure that reasonable accommodations are provided to qualified individuals with disabilities to enable them to do the following:

- Be considered for the aid, benefits, services, training or employment as desired.
- Perform the essential functions of their jobs, or to receive aid, benefits, services, or training equal to that provided to qualified individuals without disabilities.
- Enjoy benefits and privileges of the aid, benefits, services, training, or employment equal to those that are enjoyed by other similarly situated individuals without disabilities, unless providing such accommodation would impose an undue hardship.

The requirement to provide reasonable accommodations applies to disabilities that are known to the local entity.

The reasonable accommodation process, including a description of key terms, is set forth below and should be implemented immediately.

II. Key Terms

A. *Reasonable accommodation* means any of the following:

- 1) Modifications or adjustments to an application/registration process that enables a qualified individual with a disability to be considered for the aid, benefits, services, training, or employment that the qualified individual desires.
- 2) Modifications or adjustments that enable a qualified individual with a disability to perform the essential functions of a job or to receive aid, benefits, services, or training equal to that provided to qualified individuals without disabilities.
- 3) Modifications or adjustments that enable a qualified individual with a disability to enjoy the same benefits and privileges of the aid, benefits, services, training, or employment as are enjoyed by other similarly situated individuals without disabilities.

B. *Qualified individual with a disability* means any of the following:

- 1) With respect to employment, an individual with a disability who, with or without reasonable accommodation, is capable of performing the essential functions of the job in question.
- 2) With respect to aid, benefits, services, or training, an individual with a disability who, with or without reasonable accommodation and/or reasonable modification, meets the essential eligibility requirements for the receipt of such aid, benefits, services, or training.

C. *An applicant* is an individual seeking federally-assisted aid, benefits, services, or training. An individual is considered an "applicant" at the point in which they submit personal information in response to a request by the local entity for such information.

D. *A participant* is an individual who is receiving aid, benefits, services or training under a WIOA Title I or W-P funded program.

E. *A disability* means the following, with respect to an individual:

- 1) "Medical condition" includes the following:
 - a) Any health impairment related to or associated with a diagnosis of cancer or a record or history of cancer.
 - b) Genetic characteristics. For purposes of this section, "genetic characteristics" means either of the following:
 - i. Any scientifically or medically identifiable gene or chromosome, or combination or alteration thereof, that is known to be a cause of a disease or disorder in a person or his or her offspring, or that is determined to be associated with a statistically increased risk of development of a disease or disorder, and that is presently not associated with any symptoms of any disease or disorder.
 - ii. Inherited characteristics that may derive from the individual or family member, that are known to be a cause of a disease or disorder in a person or his or her offspring, or that are determined to be associated with a statistically increased risk of development of a disease or disorder, and that are presently not associated with any symptoms of any disease or disorder.
- 2) "Mental disability" includes, but is not limited to, all of the following:
 - a) Having any mental or psychological disorder or condition, such as mental retardation, organic brain syndrome, emotional or mental illness, or specific learning disabilities, that limits a major life activity. For purposes of this section:

- i. "Limits" shall be determined without regard to mitigating measures, such as medications, assistive devices, or reasonable accommodations, unless the mitigating measure itself limits a major life activity.
- ii. A mental or psychological disorder or condition limits a major life activity if it makes the achievement of the major life activity difficult.
- iii. "Major life activities" shall be broadly construed and shall include physical, mental, and social activities and working.

Any other mental or psychological disorder or condition not described in paragraph (a) that requires special education or related services.

- b) Having a record or history of a mental or psychological disorder or condition described in paragraph (a) or (b), which is known to the employer or other entity covered by this part.
- c) Being regarded or treated by the employer or other entity covered by this part as having, or having had, any mental condition that makes achievement of a major life activity difficult.
- d) Being regarded or treated by the employer or other entity covered by this part as having, or having had, a mental or psychological disorder or condition that has no present disabling effect, but that may become a mental disability as described in paragraph (a) or (b).

"Mental disability" does not include sexual behavior disorders, compulsive gambling, kleptomania, pyromania, or psychoactive substance use disorders resulting from the current unlawful use of controlled substances or other drugs.

3) "Physical disability" includes the following:

- a) Having any physiological disease, disorder, condition, cosmetic disfigurement, or anatomical loss that does both of the following:
 - i. Affects one or more of the following body systems: neurological, immunological, musculoskeletal, special sense organs, respiratory, including speech organs, cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine.
 - ii. Limits a major life activity. For purposes of this section:
 - "Limits" shall be determined without regard to mitigating measures such as medications, assistive devices, prosthetics, or reasonable

accommodations, unless the mitigating measure itself limits a major life activity.

- A physiological disease, disorder, condition, cosmetic disfigurement, or anatomical loss limits a major life activity if it makes the achievement of the major life activity difficult.
 - “Major life activities” shall be broadly construed and includes physical, mental, and social activities and working.
- b) Any other health impairment not described in paragraph (a) that requires special education or related services.
 - c) Having a record or history of a disease, disorder, condition, cosmetic disfigurement, anatomical loss, or health impairment described in paragraph (a) or (b) which is known to the employer or other entity covered by this part.
 - d) Being regarded or treated by the employer or other entity covered by this part as having, or having had, any physical condition that makes achievement of a major life activity difficult.
 - e) Being regarded or treated by the employer or other entity covered by this part as having, or having had, a disease, disorder, condition, cosmetic disfigurement, anatomical loss, or health impairment that has no present disabling effect but may become a physical disability as described in paragraph (a) or (b).
 - f) “Physical disability” does not include sexual behavior disorders, compulsive gambling, kleptomania, pyromania, or psychoactive substance use disorders resulting from the current unlawful use of controlled substances or other drugs.

F. *Essential eligibility requirements* are such criteria that can be shown to be necessary for the provision of the aid, benefit, service, training, program, or activity being offered.

G. *Essential functions* means the fundamental job duties of the employment position the individual with a disability holds or desires. “Essential functions” does not include the marginal functions of the position.

- 1) A job function may be considered essential for any of several reasons, including, but not limited to, any one or more of the following:
 - a) The function may be essential because the reason the position exists is to perform that function.
 - b) The function may be essential because of the limited number of employees available among whom the performance of that job function can be distributed.
 - c) The function may be highly specialized, so that the incumbent in the position is hired for his or her expertise or ability to perform the particular function.

2) Evidence of whether a particular function is essential includes, but is not limited to the following:

- a) The employer's judgment as to which functions are essential.
- b) Written job descriptions prepared before advertising or interviewing applicants for the job.
- c) The amount of time spent on the job performing the function.
- d) The consequences of not requiring the incumbent to perform the function.
- e) The terms of a collective bargaining agreement.
- f) The work experiences of past incumbents in the job.
- g) The current work experience of incumbents in similar jobs.

H. *Fundamental alteration* means a change in the essential nature of a program or activity, or a cost that the local entity can demonstrate would result in an undue burden. Factors to be considered in determining whether a requested modification would result in a fundamental alteration are referenced in Step 3 of this process (described later in the Step by Step Process section of this guide.)

I. *Major life activities* mean functions such as the following:

- Caring for one's self
- Performing manual tasks
- Walking
- Seeing
- Hearing
- Speaking
- Breathing
- Learning
- Working

J. *Undue hardship* means an action requiring significant difficulty or expense, when considered in light of the following factors:

- 1) The nature and cost of the accommodation needed.
- 2) The overall financial resources of the facilities involved in the provision of the reasonable accommodations, the number of persons employed at the facility, and the effect on expenses and resources or the impact otherwise of these accommodations upon the operation of the facility.
- 3) The overall financial resources of the covered entity, the overall size of the business of a covered entity with respect to the number of employees, and the number, type, and location of its facilities.

- 4) The type of operations, including the composition, structure, and functions of the workforce of the entity.
- 5) The geographic separateness, administrative, or fiscal relationship of the facility or facilities.

III. Effective Communication and Other Assistance

Each local entity shall be responsible for ensuring effective communication between the qualified individual with a disability and entity staff throughout the reasonable accommodation process. Effective communication may require arranging for sign language interpreters, assistive listening equipment, alternative formats for people with visual impairments, or other approaches. In addition, the local entity shall also be responsible for providing such other reasonable assistance as is requested throughout the reasonable accommodation process, as well as through the process of any necessary appeals.

IV. Confidentiality

- A. **Local entity must maintain confidentiality.** All documentation and information concerning the medical condition or history of an individual with a disability requesting an accommodation must be collected on forms separate from other forms related to that individual, and must be maintained by the local entity in separate medical files. The information shall be treated as confidential medical records, and access to the records must be limited, except to the extent of the following:
 - 1) The local entity management must be informed about work restrictions or reasonable accommodations.
 - 2) The first-aid and safety personnel need to be informed if the disability may require emergency treatment.
 - 3) Government officials investigating compliance with law are required to be provided with relevant information upon request.

What Accommodations Are Reasonable?

The reasonableness of an accommodation will depend upon the circumstances of each case. For additional clarification as to what are reasonable accommodations in the employment context, refer to 29 CFR Part 32. Reasonable accommodations include, but are not limited to the following:

- Making facilities that are not otherwise required to comply with Federal accessibility standards physically accessible to and usable by people with disabilities (e.g., providing ramps, restroom grab bars, signage, etc.).

- Restructuring of job or training tasks (e.g., reallocating non-essential typing, telephone or other clerical assignments among employees, assignment of non-essential tasks to others, eliminating non-essential tasks, etc.).
- Modifying schedules (e.g., permitting alternative starting and ending times to avoid standing and jostling on subways).
- Providing or modifying equipment, devices or materials (e.g., raising a desk on boards for a person who uses a wheelchair, providing flashing lights and volume controls on intercoms and telephones, installing text telephones [TTYs], providing large-print computer display programs, or materials in alternative formats, including Braille, audio tape or enlarged print, etc.).
- Providing qualified readers, interpreters, or other support services for all aspects of programs and activities including the application, interview, and testing processes, and during training and employment-related activities.

Reasonable accommodation may also include permitting the individual with a disability to use aids or services that the local entity is not otherwise required to provide. For example, although a local entity generally would not be required to provide a motorized scooter to an individual with mobility impairment, reasonable accommodation may include providing an area to stow such a mobility aid, if necessary.

The local entity is not required to provide personal items to individuals with disabilities. Such items include hearing aids, prosthetic limbs, wheelchairs, or eyeglasses. However, such items may constitute reasonable accommodation where they are specifically designed to meet needs that are related to the program or activity in which the person is participating, or the job the person is performing. For example, eyeglasses designed to enable the individual to view a computer monitor, but which are not otherwise needed outside of the program or activity in which the person is participating, or the job the person is performing, may constitute a reasonable accommodation.

Where more than one possible reasonable accommodation exists, the local entity should give primary consideration to the individual's preference in determining what accommodation it will provide.

As noted above, some requests for reasonable accommodation can be granted and implemented immediately following their receipt, without formal evaluation, consistent with this procedure. Such may be the case where the individual identifies any requested accommodation with specificity. For example, an employee who is deaf and routinely uses a text telephone (TTY) can readily identify a job-related limitation, as well as the accommodation needed. Where it is obvious that providing the TTY will enable the individual to meet the job's essential functions, the TTY can be ordered, provided and documented without the more

comprehensive analysis provided for in Steps 2 and 3 (described later in the Step by Step Process section of this guide.) In these cases, the reasonable accommodation process is merely compressed; it is not eliminated.

Accommodations may be considered “unreasonable” only if they impose an undue hardship for the specific local entity in question. For example, shifting tasks among clerical employees to accommodate an employee with a disability may be reasonable where a sufficient number of employees exist among whom the tasks can be distributed; however, such an accommodation may be unreasonable in a very small office with few employees. The factors listed in the definition of “undue hardship” in 29 CFR Section 38.4(rrr) must be considered in making this determination.

If a requested accommodation would result in undue hardship, the recipient must, after consultation with an individual with a disability (or individuals with disabilities), take any other action that would not result in such hardship, but would nevertheless ensure that, to the maximum extent possible, individuals with disabilities receive the aid, benefit, service, training, or employment provided by the recipient.

REASONABLE ACCOMMODATION POLICY AND PROCEDURE

Step by Step Process

Step 1 – Individual with a Disability Requests Reasonable Accommodation

Initial Consultation

The individual with a disability should submit a reasonable accommodation request to designated staff. If a request for reasonable accommodation is made to facilitate the application process, the local entity manager supervising the application process should assist where requested and, in conjunction with the local entity staff, process the request for accommodation. The local entity manager receiving the request shall acknowledge each request in writing. The current request for reasonable accommodation shall not preclude the submission of subsequent requests.

Generally, it is the responsibility of the individual with a disability to inform the local entity of the need for an accommodation. Reasonable accommodation must be provided for disabilities that are known. Nevertheless, once the local entity is aware of an individual’s disability, it may have the responsibility to initiate discussions about reasonable accommodation and set these procedures in motion.

Where the need for a requested accommodation is not apparent, the local entity manager supervising the application process may ask the individual to provide documentation in support of the request. For example, if the individual with dyslexia requests additional time within which to complete a timed, written entrance qualifying examination, that individual may be asked to provide documentation in support of that request.

Similarly, if an individual with a mental disability requests a flexible schedule to attend psychotherapy during the work day, the individual may be asked to provide documentation from the treating professional in support of that request.

After acknowledging a request for accommodation, the local entity manager should do one of the following:

- 1) Provide or implement the request and document the accommodation
- 2) Proceed to Step 2 of this procedure.

Step 2 – Consult with the Individual Requesting a Reasonable Accommodation

The reasonable accommodation process sometimes can be accomplished without a formal analysis of the individual's limitations and the local entity's resources, as in the example provided above, where an individual's desk is elevated on blocks to permit access from a wheelchair. Other situations are more complex, however, and require structured analysis. In these instances, upon receipt of a request for reasonable accommodation, the local entity should consult with the individual requesting the accommodation to assess the limitations of the disability and how the individual may best be involved in the accommodation process.

Using a collaborative, open and flexible approach, the local entity should consider how any limitations can be overcome, discuss possible reasonable accommodations, and assess the effectiveness of each. Other possible resources to consult with throughout this process include, but are not limited to, the following:

- The Job Accommodation Network, which can be reached at 1-800-JAN-7234 or by accessing their website at: www.Jan.wvu.edu.
- The California Committee on Employment of People with Disabilities at the Department of Rehabilitation. They can be reached at: (855) 894-3436 or via email at: CCEPD@dor.ca.gov.

The local entity must consider the individual's preferences, along with what is reasonable and does not impose an undue hardship.

The circumstances, in which documentation can be requested, as well as the procedure for requesting such documentation, are as follows:

- A. When the disability and/or the need for accommodation are not obvious, the local entity may ask the individual for reasonable documentation about his/her disability and functional limitations.

Reasonable documentation means that the local entity 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. However, the local entity, 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.

The local entity 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 function 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 the local entity should specify what types of information they are 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 the local entity to submit a list of specific questions to the health care or vocational professional. **The local entity must maintain the confidentiality of all medical information collected during this process, regardless of where the information comes from.**

- 1) It is unlawful except as provided in paragraph (2) or (3), for any employer or employment agency to require any medical or psychological examination of an applicant, to make any medical or psychological inquiry of an applicant, to make any inquiry whether an applicant has a mental disability or physical disability or medical condition, or to make any inquiry regarding the nature or severity of a physical disability, mental disability, or medical condition.
- 2) Notwithstanding paragraph (1), an employer or employment agency may inquire into the ability of an applicant to perform job-related functions and may respond to an applicant's request for reasonable accommodation.
- 3) Notwithstanding paragraph (1), an employer or employment agency may require a medical or psychological examination or make a medical or psychological inquiry of a job applicant after an employment offer has been made but prior to the

- commencement of employment duties, provided that the examination or inquiry is job-related and consistent with business necessity and that all entering employees in the same job classification are subject to the same examination or inquiry.
- 4) It is unlawful except as provided in paragraph (5), for any employer or employment agency to require any medical or psychological examination of an employee, to make any medical or psychological inquiry of an employee, to make an inquiry whether an employee has a mental disability, physical disability, or medical condition, or to make any inquiry regarding the nature or severity of a physical disability, mental disability, or medical condition.
 - 5) Notwithstanding paragraph (4), an employer or employment agency may require any examinations or inquiries that it can show to be job-related and consistent with business necessity. An employer or employment agency may conduct voluntary medical examinations, including voluntary medical histories, which are part of an employee health program available to employees at that worksite.
- B. If a person provides insufficient documentation of a disability in response to the local entity's initial request, the local entity may require the person to go to a health care professional of the local entity's choice. However, the local entity should explain why the documentation is insufficient and allow the person an opportunity to provide the missing information in a timely manner.

Please note that under the federal disability nondiscrimination law, the local entity cannot ask for documentation under the following circumstances:

- 1) Both the disability and the need for reasonable accommodation are obvious, or
- 2) The person has already provided sufficient information to substantiate they have an actual, current disability and needs the reasonable accommodation requested.

If the individual's disability or need for reasonable accommodation is not obvious, and they refuse to provide the reasonable documentation requested by the local entity, then they are not entitled to reasonable accommodation. On the other hand, failure by the local entity 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.

Step 3 – Local Entity Management and/or Designated Staff Analyzes the Request for Reasonable Accommodation

After consulting with the individual with a disability, the entity should examine the request and determine if the requested accommodation is feasible and does not create an undue hardship or result in a fundamental alteration. Please note, if a requested accommodation would result

in undue hardship, the recipient must, after consultation with an individual with a disability (or individuals with disabilities), take any other action that would not result in such hardship, but would nevertheless ensure that, to the maximum extent possible, individuals with disabilities receive the aid, benefit, service, training, or employment provided by the recipient (29 CFR Section 38.14[a][3]).

It is unlawful for an employer or other entity covered by the WIOA, Section 188, 29 CFR part 38, W-P, the Americans with Disabilities Act (ADA), and the Fair Employment and Housing Act (FEHA), to fail to engage in a timely, good faith, interactive process with the employee or applicant to determine effective reasonable accommodations, if any, in response to a request for reasonable accommodation by an employee or applicant with a known physical or mental disability or known medical condition.

The factors to be considered in determining whether an accommodation would impose an undue hardship or in determining whether the cost of a modification would result in a fundamental alteration includes the following:

- A. The nature and net cost of the accommodation/modifications needed, taking into consideration the availability of tax credits and deductions, and/or outside funding, for the accommodation/modification.
- B. The overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation/modification, including the following:
 - 1) The number of persons aided, benefited, served, or trained by, or employed at, the facility or facilities.
 - 2) The effect the accommodation/modification would have on the expenses and resources of the facility or facilities.
- C. The overall financial resources of the local entity, including the following:
 - 1) The overall size of the local entity.
 - 2) The number of persons aided, benefited, served, trained, or employed by the local entity.
 - 3) The number, type and location of the local entity's facilities.
- D. The type of operation or operations of the local entity, including the following:
 - 1) The geographic separateness and administrative or fiscal relationship of the facility or facilities in question to the local entity.
 - 2) Where the individual is seeking an employment related accommodation/modification, the composition, structure and functions of the local entity's workforce.

- E. The impact of the accommodation/modification upon the operation of the facility or facilities, including the following:
 - 1) The impact on the ability of other participants to receive aid, benefits, services, or training, or of other employees to perform their duties.
 - 2) The impact on the facility's ability to carry out its mission.

It is unlawful for an employer or other entity covered by the WIOA, Section 188, 29 CFR part 38, W-P, ADA, and the FEHA, to fail to make reasonable accommodation for the known physical or mental disability of an applicant or employee. Nothing in this document shall be construed to require an accommodation that is demonstrated by the employer or other covered entity to produce undue hardship to its operation.

Step 4 – Select and Implement an Appropriate Reasonable Accommodation

Within 10 business days of receipt of a request for reasonable accommodation, the local entity to where it was submitted shall either grant or deny the request in writing. Provisions of this accommodation should commence immediately. If a requested accommodation would result in undue hardship, the recipient must, after consultation with an individual with a disability (or individuals with disabilities), take any other action that would not result in such hardship, but would nevertheless ensure that, to the maximum extent possible, individuals with disabilities receive the aid, benefit, service, training, or employment provided by the recipient (29 CFR Section 38.14[a][3]).

Where the provision or implementation of a reasonable accommodation will take longer than 10 business days, the steps taken to order, secure or carry out the accommodation shall be documented and discussed with the individual requesting a reasonable accommodation. In all instances, however, the local entity shall act as expeditiously as possible to provide reasonable accommodations.

Where further supporting documentation has been sought from the individual requesting a reasonable accommodation, the grant or denial of a request for reasonable accommodation shall be rendered as noted below:

- A. For those cases in which medical documentation is necessary in order to understand the individual's limitations and what accommodations are possible, the grant or denial shall be issued within 10 business days of receipt of the requested documentation.
- B. For those cases in which the documentation is being requested merely to verify the information provided by the individual with a disability, the grant or denial shall be issued within 5 business days of receipt of the requested documentation.

- C. For those cases in which the individual refuses to provide reasonable requested documentation, the grant or denial shall be issued within 5 business days of the notification of refusal.

Where the local entity determines to deny a request for accommodation, or to provide an accommodation other than the individual's expressed preference, the local entity shall first consult with the individual requesting the reasonable accommodation. The local entity will document the determination in writing. Where the determination is to deny the request on the basis of undue hardship or fundamental alteration, the proposed alternative accommodation or modification will also be documented.

What if an Appropriate Reasonable Accommodation cannot be identified?

Sometimes, the local entity, or the individual requesting the reasonable accommodation, cannot identify possible reasonable accommodations. In those instances, the local entity should consult with appropriate resources e.g., those listed in Step 2 of these instructions. The local entity will seek to facilitate effective communication between the parties with the goal of identifying and implementing appropriate reasonable accommodation and, where a reasonable accommodation has been selected, shall monitor its implementation.

Throughout the Step 2 consultation process, the individual, and the local entity may seek technical assistance or clarification of each component of the reasonable accommodation process from appropriate resources.

Recipient Name

☐ None to report for calendar year[illegible]

PHYSICAL & PROGRAM ACCESSIBILITY CHECKLIST



**In accordance with the Americans with Disability Act
Accessibility Guidelines and Title 24 requirements**

Compliance Assessment



PHYSICAL AND PROGRAM ACCESSIBILITY CHECKLIST

The Physical Program Accessibility (PPA) was created directly from the California PPA Self-Assessment Process.

This checklist combines both physical and program access elements that Local Workforce Development Area (LWDA) offices and America's Job Center of California (AJCCs)/One-Stop Career Centers (OSCCs) must assess. This may only be the first step in the effort to make the facilities and programs universally accessible for all potential customers. Where deficiencies are found, further review and exploration, with architects and other experts, may be required in order to fully understand and respond to specific, detailed requirements.

The PPA checklist is divided into nine broad access elements that cover the basics of both physical and program access requirements. Each element is broken down into one or more sub-elements, or specific factors that must be addressed.

SURVEY REQUIREMENTS

All questions should be answered with a "Yes", "No", or "N/A" answers.

If a specific measurement is requested, you are required to provide the measurement for that particular designated area. All measurements should be documented and entered within the text boxes provided. The text boxes are alpha/numeric and will accept fraction or decimal measurements. Please be accurate with all measurements.

If you answered "No" to any of the questions, a follow-up question will be asked to provide a possible solution and an implementation date.

If you have more than one possible solution or your solution is different than the solutions listed, please select "Other" and type your possible solution(s).

If you are not the EO Officer, when you have completed your part of the PPA Checklist, please notify your LWDA EO Officer for review.

Subrecipient Name:

Date Completed:

ACCESS ELEMENT A: INTEGRATED BENEFITS AND SERVICES

The integration of individuals with disabilities into the mainstream of society is fundamental to the purposes of the Americans with Disability Act (ADA) and the provision of services.

1. Do all of your policies and practices provide services and benefits to individuals with disabilities in an integrated manner?

29 CFR 37.7(d)

Example: You may also offer separate programs where necessary to assure that the program is equally effective for individuals with disabilities.

☐ Yes

☐ No

POSSIBLE SOLUTIONS

☐ The policy and practice will be developed by: _____

☐ Other: _____

Implementation Date:

2. Does all of your staff receive disability awareness training?

☐ Yes

☐ No

POSSIBLE SOLUTIONS

☐ Disability awareness training will be developed.

☐ Other: _____

Implementation Date:

3. Is staff aware of policies and practices to offer accommodations in order to provide accessibility to programs and services? 29 CFR 37.8

☐ Yes

☐ No

POSSIBLE SOLUTIONS

☐ Provide policy and practices to all staff.

☐ Other: _____

Implementation Date:

RIGHT TO CHOOSE

4. Do your policies and practices allow an individual with a disability to choose to participate in the non-disability program, even if a separate program is permitted?

Example: It would not be a violation for a AJCC/OSCC partner to offer training programs designed for participants with cognitive disabilities, but it would be a violation if the AJCC/OSCC partner refused to allow participants with cognitive disabilities to participate in its other training programs.

☐ Yes

☐ No

POSSIBLE SOLUTIONS

☐ The policy and practice will be developed.

☐ Other: _____

Implementation Date:

5. Are all staff aware that it may be necessary to provide a reasonable accommodation to enable individuals with disabilities to participate in and benefit from the program?

☐ Yes

☐ No

POSSIBLE SOLUTIONS

☐ The policy and practice will be developed.

☐ Other: _____

Implementation Date:

6. Do you have a process to offer reasonable accommodations in order to provide accessibility to programs and services?

☐ Yes

☐ No

POSSIBLE SOLUTIONS

- ☐ The policy and practice will be developed.
☐ Other: _____

Implementation Date:

RIGHT TO REFUSE

7. Do your policies and practices allow an individual with a disability to choose not to accept a reasonable accommodation or benefit?

- ☐ Yes
☐ No

POSSIBLE SOLUTIONS

- ☐ The policy and practice will be developed.
☐ Other: _____

Implementation Date:

SURCHARGES & ADDITIONAL REQUIREMENTS

AJCC(s)/OSCC(s) MAY NOT impose extra charges upon individuals with disabilities to cover the costs of effective communication, reasonable accommodations or access features, and may not impose any additional requirements or burdens on individuals with disabilities that are not required of all other participants in the program.

8. Do your policies and practices prohibit imposing extra charges upon individuals with disabilities to cover the costs of effective communication, reasonable accommodations or access features?

- ☐ Yes
☐ No

POSSIBLE SOLUTIONS

- ☐ The policy to remove such practice will be developed and implemented.
☐ Other: _____

Implementation Date:

ACCESS ELEMENT B: ACCESSIBLE APPROACH AND ENTRANCE

People with disabilities should be able to arrive on site, approach a building, and enter as freely as other individuals without disabilities. At least one route of travel should be safe and accessible to anyone.

ROUTE OF TRAVEL

9. Is there an accessible route of travel that does not require the use of stairs? **ADAAG 4.3.10**

☐ Yes

☐ No

POSSIBLE SOLUTIONS

☐ Add a ramp.

☐ Add an alternative route on level ground.

☐ Other: _____

Implementation Date:

10. Is the route of travel stable, firm and slip-resistant? **ADAAG 4.5.1**

☐ Yes

☐ No

POSSIBLE SOLUTIONS

☐ Repair uneven paving.

☐ Fill small bump/breaks with beveled patches.

☐ Replace gravel with hardtop.

☐ Other: _____

Implementation Date:

11. Is the route of travel at least 48 inches wide? **ADAAG 4.3.3; Fig 7a; Fig 7b**

☐ Yes

☐ No

Width in inches: (enter "0" for none or N/A) _____

POSSIBLE SOLUTIONS

- ☐ Widen route.
- ☐ Modify or change route.
- ☐ Other: _____

Implementation Date:

12. Can all objects protruding more than 4 inches into circulation paths be detected by someone with a visual disability using a cane? ADAAG 4.4.1

Distance from ground: 27 inches or less; Overhead Objects: more than 80 inches.

- ☐ Yes
- ☐ No

POSSIBLE SOLUTIONS

- ☐ Change/move landscaping, furnishings or other features.
- ☐ Widen route.
- ☐ Move/remove protruding objects.
- ☐ Add a cane-detectable base that extends to the ground.
- ☐ Place a cane-detectable object on the ground underneath as a warning barrier.
- ☐ Other: _____

Implementation Date:

13. Do curbs on the accessible route have cut out ramps at driveways, parking lots, and drop-off areas? ADAAG 4.7.2

- ☐ Yes
- ☐ No

POSSIBLE SOLUTIONS

- ☐ Install curb ramps.
- ☐ Other: _____

Implementation Date:

14. Does the curb ramp cross slope of the accessible route have a maximum slope of 1:50 or 2% and a running slope no greater than 1:20 or 5%? ADAAG 4.3.7

- ☐ Yes
- ☐ No

☐ N/A, THERE ARE NO CURBS ALONG ACCESSIBLE ROUTE.

POSSIBLE SOLUTIONS

☐ Add cross slope ramp up to the curb.

☐ Other: _____

Implementation Date:

RAMPS

A ramp is defined as a slope of greater than 1:20 or 5%.

Are there ramps at accessible routes of travel?

☐ Yes

☐ No

☐ N/A, THERE ARE NO RAMPS

15. Are slopes of ramps no greater than 1:12 or 8.33%? ADAAG 4.8.2

Slope is a ratio of height to length; 1:12 means for every 12 inches along the base of a ramp, the height increases 1 inch. For a 1:12 maximum slope, at least one foot of ramp length is needed for each inch of height.

☐ Yes

☐ No

POSSIBLE SOLUTIONS

☐ Lengthen ramp to decrease slope.

☐ Relocate ramp.

☐ If space is limited, reconfigure ramp to include switchbacks.

☐ Other: _____

Implementation Date:

16. Do all ramps longer than 6 feet have handrails on both sides, where rise is more than 6 inches or run is longer than 72 inches? ADAAG 4.8.5

☐ Yes

☐ No

☐ N/A, RAMP(S) ARE SHORTER THAN 6 FEET.

POSSIBLE SOLUTIONS

- ☐ Add handrail(s).
- ☐ Other: _____

Implementation Date:

17. Are handrails sturdy and between 34 and 38 inches high? ADAAG 4.8.5

- ☐ Yes
- ☐ No

Height in inches: (enter "0" for none or N/A) _____

POSSIBLE SOLUTIONS

- ☐ Adjust height of railing if not between 34 and 38 inches.
- ☐ Secure handrails in fixtures.
- ☐ Other: _____

Implementation Date:

18. Is the clear width of ramp between handrails and curbs at least 36 inches? ADAAG 4.8.5

- ☐ Yes
- ☐ No

Width in inches: (enter "0" for none or N/A) _____

POSSIBLE SOLUTIONS

- ☐ Relocate the handrails.
- ☐ Install a ramp with a width of at least 36 inches between the inside of the handrails.
- ☐ Other: _____

Implementation Date:

19. Are ramp surfaces slip resistant? ADAAG 4.5.1

- ☐ Yes
- ☐ No

POSSIBLE SOLUTIONS

- ☐ Add non-slip material to surface.
☐ Other: _____

Implementation Date:

20. Is there a 5-foot-long level landing at each 30 foot horizontal length of ramp, at the top and bottom of ramps and at switchbacks? ADAAG 4.8.4

- ☐ Yes
☐ No

Length in feet: (enter "0" for none or N/A) _____

POSSIBLE SOLUTIONS

- ☐ Remodel or relocate the ramp.
☐ Other: _____

Implementation Date:

21. Is the ramp rise no more than 30 inches between landings? ADAAG 4.8.2

- ☐ Yes
☐ No

Rise in inches: (enter "0" for none or N/A) _____

POSSIBLE SOLUTIONS

- ☐ Remodel or relocate ramp.
☐ Other: _____

Implementation Date:

22. Are cross slopes of ramp no higher than 1:50 or 2.0%? ADAAG 4.8.6

- ☐ Yes
☐ No

POSSIBLE SOLUTIONS

- ☐ Remodel or relocate ramp.
☐ Other: _____

Implementation Date:

PARKING AND DROP-OFF AREAS

The following number of total accessible parking spaces are required for the number of vehicles indicated: **ADAAG 4.1.2(5)(a)**

1-25	1 van space
26-50	2 spaces including 1 van space
51-75	3 spaces including 1 van space
76-100	4 spaces including 1 van space
101-150	5 spaces including 1 van space

23. Are an adequate number of accessible parking spaces available, 8 foot wide by 18 foot long for car, plus a 5 foot wide access aisle?

ADAAG 4.6.3

Two accessible parking spaces may share a common access aisle.

- ☐ Yes
☐ No

Number of car accessible spaces:

POSSIBLE SOLUTIONS

- ☐ Reconfigure appropriate number of accessible spaces by repainting stripes.
☐ Other: _____

Implementation Date:

24. Are van accessible spaces 8-foot wide by 18 foot long minimum 8-foot wide access aisles and 8-feet 2-inches of vertical clearance available for lift-equipped vans? **ADAAG 4.1.2(5)(b)**

- ☐ Yes
☐ No

Number of van accessible spaces: (enter "0" for none or N/A) _____

POSSIBLE SOLUTIONS

☐ Reconfigure to provide the appropriate number of van-accessible space(s) by repainting stripes.

☐ Other: _____

Implementation Date:

24a. Do accessible parking spaces, at stalls and access aisles, have a 1:50 or 2% maximum slope? ADAAG 4.8.6

☐ Yes

☐ No

POSSIBLE SOLUTIONS

☐ Reconfigure slope.

☐ Other: _____

Implementation Date:

25. Are parking access aisles part of an accessible route to the building or facility entrance? ADAAG 4.6.3

☐ Yes

☐ No

POSSIBLE SOLUTIONS

☐ Add curb ramps.

☐ Reconstruct access aisles.

☐ Other: _____

Implementation Date:

26. Are accessible spaces closest to the shortest route of travel to the accessible entrance? ADAAG 4.6

☐ Yes

☐ No

POSSIBLE SOLUTIONS

☐ Reconfigure spaces.

☐ Other: _____

Implementation Date:

27. Does each accessible parking space have a reflectorized sign visible from each stall?

ADAAG 4.6.4

- ☐ Yes
☐ No

POSSIBLE SOLUTIONS

- ☐ Install reflectorized signs in parking lots.
☐ Add or update signs and mount signs so that cars do not obstruct them.
☐ Other: _____

Implementation Date:

28. Are van spaces marked as “Van Accessible”? ADAAG 4.6.4

- ☐ Yes
☐ No

POSSIBLE SOLUTIONS

- ☐ Install signs.
☐ Mark spaces.
☐ Other: _____

Implementation Date:

29. Are accessible parking spaces identified with the International Symbol of Accessibility?

ADAAG 4.1.2(7)

- ☐ Yes
☐ No

POSSIBLE SOLUTIONS

- ☐ Identify accessible parking space.
☐ Other: _____

Implementation Date:

ENTRANCES

30. Are there stairs at the main entrance of your facility?

- ☐ Yes
☐ No

31. Is there a ramp or lift, or another accessible entrance available? ADAAG 4.1.3(1)

- ☐ Yes
☐ No
☐ N/A, ALL ENTRANCES ARE ACCESSIBLE.

POSSIBLE SOLUTIONS

- ☐ If the main entrance cannot be made accessible, create a dignified alternate accessible entrance.
☐ Other: _____

Implementation Date:

32. Are all accessible entrances identified by an International Symbol of Accessibility sign? ADAAG 4.1.3(7)

- ☐ Yes
☐ No

POSSIBLE SOLUTIONS

- ☐ Install an International Symbol of Accessibility sign at each accessible entrance.
☐ Other: _____

Implementation Date:

33. Do all inaccessible entrances have directional signs indicating the location of the nearest accessible entrance? ADAAG 4.1.2(7)

- ☐ Yes
☐ No
☐ N/A, THERE ARE NO INACCESSIBLE ENTRANCES.

POSSIBLE SOLUTIONS

- ☐ Install directional signs so people do not have to retrace the approach searching for an accessible entrance.
☐ Other: _____

Implementation Date:

34. Can alternate entrances be used independently? ADAAG 4.13.9

- ☐ Yes
☐ No
☐ N/A, THERE ARE NO ALTERNATE ENTRANCES.

POSSIBLE SOLUTIONS

- ☐ As much as possible, eliminate the need for staff to answer a doorbell to operate a lift, etc.
- ☐ Other: _____

Implementation Date:

35. Does the entrance door have at least 32 inches clear opening with the door open at 90 degrees? ADAAG 4.13.5

- ☐ Yes
- ☐ No

POSSIBLE SOLUTIONS

- ☐ Widen the door to 32 inches of clearance.
- ☐ Install offset (swing-clear) hinges.
- ☐ Other: _____

Implementation Date:

36. Is there at least 18 inches of clear wall space on pull side of interior door (24 inches preferred), next to handle? ADAAG 4.13.6

- ☐ Yes
- ☐ No
- ☐ N/A, AUTOMATIC DOORS AT ENTRANCES.

Clear space in inches: (enter "0" for none or N/A) _____

POSSIBLE SOLUTIONS

- ☐ Remove or relocate furnishings.
- ☐ Move door.
- ☐ Consider adding power-assisted or automatic door opener.
- ☐ Other: _____

Implementation Date:

37. Is there at least 24 inches of clear wall space on pull side of exterior door, next to handle? ADAAG 4.13.6

- ☐ Yes
- ☐ No
- ☐ N/A, AUTOMATIC DOORS AT ENTRANCES.

POSSIBLE SOLUTIONS

☐ Other: _____

Implementation Date:

38. Are the thresholds at other types of entry ways ½ inch high or less? ADAAG 4.13.8

☐ Yes

☐ No

☐ N/A, THERE ARE NO THRESHOLDS AT OTHER TYPES OF ENTRY WAYS.

POSSIBLE SOLUTIONS

☐ If the threshold is greater remove it or modify to be a ramp.

☐ Other: _____

Implementation Date:

39. Are raised thresholds and floor level changes at accessible entry ways beveled with a slope no greater than 1:2? ADAAG 4.13.8

☐ Yes

☐ No

☐ N/A, THERE ARE NO RAISED THRESHOLDS OR FLOOR LEVEL CHANGES AT ACCESSIBLE ENTRY WAYS.

POSSIBLE SOLUTIONS

☐ If the raised threshold is greater remove it or modify to be a ramp.

☐ Other: _____

Implementation Date:

40. Are carpeting or mats a maximum of 1/2 inch high? ADAAG 4.5.3

☐ Yes

☐ No

☐ N/A, THERE IS NO CARPETING OR MATS.

POSSIBLE SOLUTIONS

☐ Replace or remove carpeting or mats.

☐ Other: _____

Implementation Date:

41. Are edges of carpets or mats securely installed to minimize tripping hazards? ADAAG 4.5.3

- ☐ Yes
☐ No
☐ N/A, THERE IS NO CARPETING OR MATS.

POSSIBLE SOLUTIONS

- ☐ Secure carpeting or mats at edges.
☐ Other: _____

Implementation Date:

42. Are the door handles no higher than 48 inches from the floor and easy to grasp with one hand and does not require tight grasping, tight pinching, or twisting of the wrist to operate?

ADAAG 4.13.9

- ☐ Yes
☐ No
☐ N/A, THERE ARE NO DOOR HANDLES

Height in inches: (enter "0" for none or N/A) _____

POSSIBLE SOLUTIONS

- ☐ Lower handle.
☐ Replace inaccessible knobs with a lever or loop handle.
☐ Retrofit with an add-on lever extension.
☐ Other: _____

Implementation Date:

43. Is the exterior door pressure 5 pounds or less? ADAAG 4.13.11; 4.27.4

- ☐ Yes
☐ No
☐ N/A, DOORS ARE AUTOMATIC OR POWER ASSISTED.

POSSIBLE SOLUTIONS

- ☐ Adjust door closures and oil the hinges.
☐ Consider installing power-assisted or automatic door openers.
☐ Other: _____

Implementation Date:

44. If the door has a closer, does it take at least 3 seconds to close? ADAAG 4.13.10

- ☐ Yes
☐ No
☐ N/A, THERE ARE NO DOORS WITH CLOSERS.

Time in seconds: (enter "0" for none or N/A) _____

POSSIBLE SOLUTIONS

- ☐ Install lighter doors.
☐ Adjust door closer.
☐ Other: _____

Implementation Date:

44a. Does the entrance door have an automatic or power assisted door opener?

ADAAG 4.13.12

- ☐ Yes
☐ No
☐ N/A, DO NOT HAVE AUTOMATIC OR POWER ASSISTED DOORS.

45. Do automatic or power assisted doors close slower than 3 seconds?

ADAAG 4.13.12

- ☐ Yes
☐ No

POSSIBLE SOLUTIONS

- ☐ Adjust door closures.
☐ Other: _____

Implementation Date:

45a. Do automatic and power assisted doors require 15 pounds or less of pressure to stop door movement? ADAAG 4.13.12

- ☐ Yes
☐ No

POSSIBLE SOLUTIONS

- ☐ Adjust weight limit
☐ Other: _____

Implementation Date:

HORIZONTAL CIRCULATION

ACCESS ELEMENT C: ACCESS TO PROGRAMS AND SERVICES

Ideally, the layout of the building should allow people with disabilities to obtain materials and services without assistance.

46. Does the accessible entrance provide direct access to the main floor, lobby or elevator?

ADAAG 4.14.1

- ☐ Yes
☐ No

POSSIBLE SOLUTIONS

- ☐ Add ramps or wheelchair lifts.
☐ Provide another accessible entrance.
☐ Other: _____

Implementation Date:

47. Are all public spaces on an accessible route of travel? ADAAG 4.3.1

- ☐ Yes
☐ No

POSSIBLE SOLUTIONS

- ☐ Provide access to all public spaces along an accessible route of travel.
☐ Other: _____

Implementation Date:

48. Does the accessible route to public spaces have at least 36 inches clear width? ADAAG 4.3.3

- ☐ Yes
☐ No

Width in inches: (enter "0" for none or N/A) _____

POSSIBLE SOLUTIONS

- ☐ Move furnishings such as tables, chairs, display racks, vending machines and counters to provide minimum width.
☐ Other: _____

Implementation Date:

49. Is there a 5-foot circle or T-shape area for turning a wheelchair completely? ADAAG 4.3.4;

Fig 3b

- ☐ Yes
☐ No

POSSIBLE SOLUTIONS

- ☐ Rearrange furnishings, displays and equipment to provide clear area.
☐ Other: _____

Implementation Date:

DOORS

50. Do all doors have at least a 32 inch wide clear opening? ADAAG 4.13.5

- ☐ Yes
☐ No

POSSIBLE SOLUTIONS

- ☐ Identify/widen/replace doors.
☐ Other: _____

Implementation Date:

51. Is there at least 18 inches of clear wall space on pull side of a door (24 inches preferred), next to handle, so a person using a wheelchair can get near to open the door? ADAAG 4.13.6

- ☐ Yes
☐ No

Space in inches: (enter "0" for none or N/A) _____

POSSIBLE SOLUTIONS

- ☐ Reverse the door swing if safe to do so.
☐ Move/remove obstructing partitions.
☐ Rearrange furnishings, displays and equipment.
☐ Other: _____

Implementation Date:

52. Is the force required to operate interior doors no greater than 5 pounds? ADAAG 4.13.11

- ☐ Yes
☐ No

POSSIBLE SOLUTIONS

- ☐ Consider installing power-assisted or automatic door openers.
☐ Adjust or replace closers.
☐ Install lighter doors.
☐ Other: _____

Implementation Date:

53. Are door handles no higher than 48 inches from the floor and easy to grasp with one hand and does not require tight grasping, tight pinching, or twisting of the wrist to operate?

ADAAG 4.13.9

- ☐ Yes
☐ No

Height in inches: (enter "0" for none or N/A) _____

POSSIBLE SOLUTIONS

- ☐ Lower handles no less than 30 inches from floor.
☐ Retrofit with add-on levers.
☐ Replace inaccessible knobs or latches with lever or loop handles.
☐ Consider installing power-assisted or automatic door opener.
☐ Other: _____

Implementation Date:

54. Do thresholds at doorways not exceed $\frac{3}{4}$ inch height for exterior sliding doors? ADAAG 4.13.8

- ☐ Yes
☐ No
☐ N/A, THERE ARE NO THRESHOLDS AT EXTERIOR SLIDING DOORS.

Height in inches: (enter "0" for none or N/A) _____

POSSIBLE SOLUTIONS

- ☐ If there is a threshold greater than $\frac{3}{4}$ inch high, remove it or bevel with a slope no greater than 1:2.
☐ Other: _____

Implementation Date:

55. Do thresholds at other types of doorways not exceed ½ inch high or less? ADAAG 4.13.8

☐ Yes

☐ No

☐ N/A, THERE ARE NO THRESHOLDS AT OTHER TYPES OF DOORWAYS.

Height in inches: (enter "0" for none or N/A) _____

POSSIBLE SOLUTIONS

☐ If the threshold is greater, remove it or bevel with a slope no greater than 1:2.

☐ Other: _____

Implementation Date:

56. Are raised thresholds and floor level changes at accessible doorways beveled with a slope no greater than 1:2? ADAAG 4.13.8

☐ Yes

☐ No

☐ N/A, THERE ARE NO RAISED THRESHOLD OR FLOOR LEVEL CHANGES AT ACCESSIBLE DOORWAYS.

POSSIBLE SOLUTIONS

☐ If the raised threshold is greater, remove it or bevel with a slope no greater than 1:2.

☐ Other: _____

Implementation Date:

ROOMS AND SPACES

57. Are all aisles and pathways to materials and services at least 36 inches wide? ADAAG 4.3.3

☐ Yes

☐ No

Width in inches: (enter "0" for none or N/A) _____

POSSIBLE SOLUTIONS

☐ Rearrange furniture and fixtures to clear aisles.

☐ Other: _____

Implementation Date:

58. Is carpeting low-pile, tightly woven and securely attached along edges? **ADAAG 4.5.3**

- ☐ Yes
☐ No
☐ N/A, NO CARPETING

POSSIBLE SOLUTIONS

- ☐ Secure edges on all sides.
☐ Replace carpeting.
☐ Other: _____

Implementation Date:

59. In circulation paths through public areas, are all obstacles cane-detectable? **ADAAG 4.4.2**

Cane detectable is determined as within 27 inches of the floor or less than 80 inches of headroom, or protruding less than 4 inches from the wall.

- ☐ Yes
☐ No

Height in inches: (enter "0" for none or N/A) _____

Protrusion in inches: (enter "0" for none or N/A) _____

POSSIBLE SOLUTIONS

- ☐ Remove obstacles.
☐ Install furnishing, planters or other cane-detectable barriers underneath.
☐ Other: _____

Implementation Date:

EMERGENCY EGRESS

60. Are emergency systems provided? **ADAAG 4.28**

Such as fire alarms, smoke detectors, etc.

- ☐ Yes
☐ No

POSSIBLE SOLUTIONS

- ☐ Install emergency systems.

☐ Other: _____

Implementation Date:

61. Do emergency systems produce visual flashing lights? ADAAG 4.28.3

- ☐ Yes
☐ No
☐ N/A

POSSIBLE SOLUTIONS

- ☐ Consider installing a visual flashing light system.
☐ Other: _____

Implementation Date:

62. Do emergency systems produce audible sounds? ADAAG 4.28.2

- ☐ Yes
☐ No
☐ N/A

POSSIBLE SOLUTIONS

- ☐ Consider installing an audible sound system.
☐ Other: _____

Implementation Date:

63. Are exit doors clearly marked with appropriate tactile signs? ADAAG 4.30

- ☐ Yes
☐ No

POSSIBLE SOLUTIONS

- ☐ Install appropriate tactile signs.
☐ Other: _____

Implementation Date:

SIGNAGE FOR PROGRAMS & SERVICES

64. Do directional signs and room numbers designating permanent rooms and spaces where programs/services are provided comply with appropriate sign requirements? ADAAG 4.30

- ☐ Yes
☐ No
☐ N/A. ROOM OR SPACE IS BEING USED TEMPORARILY.

POSSIBLE SOLUTIONS

- ☐ Provide signs that have raised letters, Grade 2 Braille, and meet other requirements for permanent room/space signage.
☐ Other: _____

Implementation Date:

65. Are tactile signs mounted 60 inches from the floor to centerline of sign? ADAAG 4.30.6

- ☐ Yes
☐ No

Height in inches: (enter "0" for none or N/A) _____

POSSIBLE SOLUTIONS

- ☐ Mount tactile signs.
☐ Other: _____

Implementation Date:

66. Are tactile signs mounted on wall adjacent to latch side of door, or as close as possible? ADAAG 4.30.6

- ☐ Yes
☐ No

POSSIBLE SOLUTIONS

- ☐ Mount tactile signs on adjacent wall.
☐ Other: _____

Implementation Date:

67. Are raised characters on tactile signs between 5/8 and 2 inches high with high contrast, non-glare background? ADAAG 4.30.4; 4.30.5

- ☐ Yes
☐ No

Character Height in inches: (enter "0" for none or N/A) _____

POSSIBLE SOLUTIONS

- ☐ Install tactile signs with proper raised characters.
☐ Other: _____

Implementation Date:

68. Is Braille text the same information? ADAAG 4.30.4

- ☐ Yes
☐ No

POSSIBLE SOLUTIONS

- ☐ Install the same information in Braille Text.
☐ Other: _____

Implementation Date:

DIRECTIONAL AND INFORMATIONAL SIGNAGE

69. If mounted above 80 inches, are letters at least 3 inches with high contrast background and non-glare finish? ADAAG 4.30.3; 4.30.5

- ☐ Yes
☐ No
☐ N/A, SIGNAGE IS NOT MOUNTED ABOVE 80 INCHES.

Letter height in inches: (enter "0" for none or N/A) _____

POSSIBLE SOLUTIONS

- ☐ Provide signs that have raised letters, Grade 2 Braille, and meet other requirements for permanent room/space signage.
☐ Other: _____

Implementation Date:

70. Do directional and informational signs comply with legibility requirements? ADAAG 4.30.1

Directories and temporary signs need not comply.

- ☐ Yes
☐ No

POSSIBLE SOLUTIONS

- ☐ Review requirements and replace signs as needed.

☐ Other: _____

Implementation Date:

CONTROLS

71. Are controls available for use by the public located at an accessible height of not less than 15 inches or more than 48 inches above the floor? ADAAG 4.27.3

Such as electrical, mechanical, cabinet, self service controls, etc.

☐ Yes

☐ No

☐ N/A, NO CONTROLS FOR PUBLIC USE.

Height in inches: (enter "0" for none or N/A) _____

POSSIBLE SOLUTIONS

☐ Relocate controls.

☐ Other: _____

Implementation Date:

72. Are controls operable with one hand and not require tight grasping, pinching, or twisting of the wrist? ADAAG 4.27.4

☐ Yes

☐ No

POSSIBLE SOLUTIONS

☐ Replace or retrofit controls.

☐ Other: _____

Implementation Date:

SEATS, TABLES, and COUNTERS

73. Are aisles between fixed seating (other than assembly areas) at least 36 inches wide? ADAAG 4.32.2

☐ Yes

☐ No

☐ N/A, THERE IS NO FIXED SEATING.

Width in inches: (enter "0" for none or N/A) _____

POSSIBLE SOLUTIONS

- ☐ Rearrange chairs or tables to provide minimum 36 inch aisles.
☐ Other: _____

Implementation Date:

74. Are spaces for wheelchair seating dispersed throughout? ADAAG 4.32.2

- ☐ Yes
☐ No

POSSIBLE SOLUTIONS

- ☐ Remove some fixed seating.
☐ Rearrange seating.
☐ Other: _____

Implementation Date:

75. Are designated service tabletops and counters 28-34 inches high? ADAAG 4.32.4

- ☐ Yes
☐ No

POSSIBLE SOLUTIONS

- ☐ Lower part or all of higher surface.
☐ Provide auxiliary table or counter.
☐ Replace or raise tables.
☐ Other: _____

Implementation Date:

76. Is knee space at designated accessible tables at least 27 inches high, 30 inches wide and 19 inches deep? ADAAG 4.32.3

- ☐ Yes
☐ No

Height in inches: (enter "0" for none or N/A) _____

Width in inches: (enter "0" for none or N/A) _____

Depth in inches: (enter "0" for none or N/A) _____

POSSIBLE SOLUTIONS

- ☐ Replace table.
☐ Other: _____

Implementation Date:

77. At each type of transaction counter, is a part of the main counter 28-34 inches high?

ADAAG 4.32.4

- ☐ Yes
☐ No

Height in inches: (enter "0" for none or N/A) _____

POSSIBLE SOLUTIONS

- ☐ Provide lower auxiliary counter or folding shelf.
☐ Arrange counter and furnishings to create a space to exchange items.
☐ Other: _____

Implementation Date:

78. Is a portion of the transaction counters no more than 34 inches high or has a space for passing items to persons who have difficulty reaching over a high counter? ADAAG 4.32.4

- ☐ Yes
☐ No

Height in inches: (enter "0" for none or N/A) _____

POSSIBLE SOLUTIONS

- ☐ Lower a section of counter.
☐ Arrange counter and furnishings to create a space to pass items.
☐ Other: _____

Implementation Date:

VERTICAL CIRCULATION

79. Are there ramps, wheelchair lifts or elevators to all public areas?

- ☐ Yes
☐ No
☐ N/A - THERE ARE NO RAMPS, WHEELCHAIR LIFTS, OR ELEVATORS TO ALL PUBLIC AREAS.

POSSIBLE SOLUTIONS

- ☐ Install ramps or lifts.
☐ Modify a service elevator.
☐ Relocate programs/services to an accessible area.
☐ Other: _____

Implementation Date:

80. If there are stairs between the entrance and/or elevator and essential public areas, is there an accessible alternate route on each level?

- ☐ Yes
☐ No
☐ N/A - THERE ARE NO STAIRS OR ELEVATORS BETWEEN ENTRANCES AND ESSENTIAL PUBLIC AREAS.

POSSIBLE SOLUTIONS

- ☐ Post clear signs directing people along an accessible route.
☐ Other: _____

Implementation Date:

STAIRS

These questions apply to stairs connecting levels not served by an elevator, ramp or lift.

Are there stairs in this facility that are used by customers seeking services?

- ☐ Yes
☐ No
☐ N/A - THERE ARE NO STAIRS WITHIN THIS FACILITY.

81. Do stair treads have a slip resistant surface? ADAAG 4.9.2

- ☐ Yes
☐ No

POSSIBLE SOLUTIONS

- ☐ Add a slip resistant surface to treads.
☐ Other: _____

Implementation Date:

82. Do stairs have continuous handrails on both sides with extensions 12 inches beyond the top and bottom stairs? ADAAG 4.9.4

- ☐ Yes
☐ No

POSSIBLE SOLUTIONS

- ☐ Add or replace handrails if possible within existing floor plan.
☐ Other: _____

Implementation Date:

ELEVATORS

Are there elevators in the building that are used by customers seeking services?

- ☐ Yes
☐ No

83. Are there visual and verbal or audible door opening/closing announcements and floor indicators? ADAAG 4.10.4

- ☐ Yes
☐ No

POSSIBLE SOLUTIONS

- ☐ Install visual and verbal or audible announcements.
☐ Other: _____

Implementation Date:

84. Are the call buttons in hallway centered at no higher than 42 inches above the floor? ADAAG 4.10.3

- ☐ Yes
☐ No

Height in inches: (enter "0" for none or N/A) _____

POSSIBLE SOLUTIONS

- ☐ Lower call buttons.
☐ Provide permanently attached reach stick.
☐ Other: _____

Implementation Date:

85. Do controls in the cab have raised and Grade 2 Braille lettering? ADAAG 4.10.5

- ☐ Yes
☐ No

POSSIBLE SOLUTIONS

- ☐ Install raised lettering and Braille signs next to buttons.
☐ Other: _____

Implementation Date:

86. Is inside dimension of elevator at least 51 inches x 68 inches for side opening door or 51 inches x 80 inches for center opening door, with the door at least 36 inches wide? ADAAG 4.10.9

- ☐ Yes
☐ No

What is the inside width in inches of the elevator or lift? _____

What is the inside depth in inches of the elevator or lift? _____

What is the width in inches of the door? _____

POSSIBLE SOLUTIONS

- ☐ Other: _____

Implementation Date:

87. Is there a sign on both doorjamb at every floor indicating the floor in raised and Braille letters? ADAAG 4.10.12

- ☐ Yes
☐ No

POSSIBLE SOLUTIONS

- ☐ Install tactile signs to identify floor numbers, 60 inches to center of sign from floor
☐ Other: _____

Implementation Date:

88. If an emergency intercom is provided, is it usable without voice communication? ADAAG 4.10.14

- ☐ Yes
☐ No
☐ N/A, EMERGENCY INTERCOM NOT USED.

POSSIBLE SOLUTIONS

- ☐ Modify communication system.
☐ Other: _____

Implementation Date:

89. Is the emergency intercom identified by Braille and raised letters? ADAAG 4.10.12

- ☐ Yes
☐ No

POSSIBLE SOLUTIONS

- ☐ Install tactile identification.
☐ Other: _____

Implementation Date:

89a. Is the emergency intercom located higher than 48 inches from floor? ADAAG 4.10.14

- ☐ Yes
☐ No

POSSIBLE SOLUTIONS

- ☐ Adjust height of intercom.
☐ Other: _____

Implementation Date:

LIFTS

Are lifts used in the building by customers seeking services?

- ☐ Yes
☐ No

90. Can the lift be used without assistance? ADAAG 4.11.3

- ☐ Yes
☐ No

POSSIBLE SOLUTIONS

- ☐ At each stopping level, post clear instructions for using the lift.
☐ Other: _____

Implementation Date:

91. Is there at least 30 inches x 48 inches of clear space for someone using a wheelchair to reach the controls and use the lift? ADAAG 4.11.2

- ☐ Yes
☐ No

POSSIBLE SOLUTIONS

- ☐ Rearrange furnishings and equipment to provide more clear space.
☐ Other: _____

Implementation Date:

92. Are controls between 15 and 48 inches high? ADAAG 4.11.2

- ☐ Yes
☐ No

Height in inches: (enter "0" for none or N/A) _____

POSSIBLE SOLUTIONS

- ☐ Move controls.
☐ Other: _____

Implementation Date:

USABILITY OF TOILET ROOMS

ACCESS ELEMENT D: GETTING TO TOILET ROOMS

93. Is at least one toilet room (one for each sex or unisex) available to the public fully accessible? **ADAAG 4.1.6(3)(e)**

- ☐ Yes
☐ No

POSSIBLE SOLUTIONS

- ☐ Provide a fully accessible public toilet room.
☐ Other: _____

Implementation Date:

94. Are there signs at inaccessible restrooms that give directions to accessible ones? **ADAAG 4.1.6(3)(e)**

- ☐ Yes
☐ No
☐ N/A, THERE ARE NO INACCESSIBLE RESTROOMS.

POSSIBLE SOLUTIONS

- ☐ Install directional signs.
☐ Other: _____

Implementation Date:

DOORWAYS and PASSAGES

95. Is there tactile signage identifying restrooms? **ADAAG 4.1.6(3)(e)**

- ☐ Yes
☐ No

POSSIBLE SOLUTIONS

- ☐ Add accessible signage mounted to wall on the latch side of the door, 60 inches from floor to centerline of sign. Do not mount on the door itself.
☐ Other: _____

Implementation Date:

96. Are pictograms or symbols used to identify toilet rooms? ADAAG 4.1.3(16)(a)(b)

- ☐ Yes
☐ No

POSSIBLE SOLUTIONS

- ☐ Install pictogram or symbol signs.
☐ Other: _____

Implementation Date:

97. Is the doorway at least 32 inches wide? ADAAG 4.13.5

- ☐ Yes
☐ No

Clear width in inches: (enter "0" for none or N/A) _____

POSSIBLE SOLUTIONS

- ☐ Install offset (swing-clear hinges).
☐ Widen the doorway.
☐ Other: _____

Implementation Date:

98. Are doors equipped with accessible handles mounted no higher than 48 inches from floor? ADAAG 4.13.9

- ☐ Yes
☐ No
☐ N/A- DOORS ARE OPENED BY OTHER MEANS.

Height in inches: (enter "0" for none or N/A) _____

POSSIBLE SOLUTIONS

- ☐ Lower handles.
☐ Replace knobs or latches with lever or loop handles.
☐ Add lever extensions.
☐ Consider installing power-assisted or automatic door openers..
☐ Other: _____

Implementation Date:

99. Is door pressure 5 pounds or less? ADAAG 4.13.11

- ☐ Yes
☐ No

POSSIBLE SOLUTIONS

- ☐ Adjust doors.
☐ Install lighter doors.
☐ Consider installing power-assisted or automatic door openers.
☐ Other: _____

Implementation Date:

WHEELCHAIR

A person using a wheelchair will need 44 inches of clear width for forward movement, and a 5-foot diameter or T-shape clear space to make turns. A minimum 48 inches clear of the door swing is needed between the two doors of an entry vestibule.

100. Does the entry setup provide adequate maneuvering space for a person using a wheelchair? **ADAAG 4.3.4**

- ☐ Yes
☐ No

Length in inches: (enter "0" for none or N/A) _____

Width in inches: (enter "0" for none or N/A) _____

POSSIBLE SOLUTIONS

- ☐ Rearrange chairs, trash cans, etc.
☐ Remove inner door if there is a vestibule with two doors.
☐ Move or relocate obstructing partitions.
☐ Other: _____

Implementation Date:

101. Is there a 30 inches x 48 inches clear floor space to all fixtures? **ADAAG 4.2.4**

- ☐ Yes
☐ No

POSSIBLE SOLUTIONS

- ☐ Remove obstructions.
☐ Other: _____

Implementation Date:

STALLS

102. Is the stall door hardware and locking mechanism operable with one hand and does not require tight grasping, pinching, or twisting of the wrist? ADAAG 4.13.9

- ☐ Yes
☐ No

POSSIBLE SOLUTIONS

- ☐ Replace inaccessible knobs with lever or loop handles.
☐ Add lever extensions.
☐ Other: _____

Implementation Date:

103. Is there a wheelchair accessible stall with a clear area at least 5 feet in diameter or a T-shaped clear space for turning around? ADAAG 4.2.3; Fig 3(a); Fig 3(b)

- ☐ Yes
☐ No

Length in inches: (enter "0" for none or N/A) _____

Width in inches: (enter "0" for none or N/A) _____

POSSIBLE SOLUTIONS

- ☐ Move or relocate partitions.
☐ Reverse the door swing if it is safe to do so.
☐ Other: _____

Implementation Date:

104. In the accessible stall, are there grab bars on the walls behind and to the side nearest the toilet? ADAAG 4.17.6

- ☐ Yes
☐ No

POSSIBLE SOLUTIONS

- ☐ Add or adjust grab bars.
☐ Other: _____

Implementation Date:

105. Is the top of toilet seat 17 to 19 inches high from floor? ADAAG 4.16.6; Fig 29b

☐ Yes

☐ No

POSSIBLE SOLUTIONS

☐ Raise or lower seat height.

☐ Other: _____

Implementation Date:

LAVATORIES

106. Does one lavatory have a 30 inch wide x 48 inch deep clear space in front? ADAAG 4.19.3

☐ Yes

☐ No

Width in inches: (enter "0" for none or N/A) _____

Depth in inches: (enter "0" for none or N/A) _____

POSSIBLE SOLUTIONS

☐ Rearrange furnishings.

☐ Replace lavatory.

☐ Remove/alter cabinetry to provide space.

☐ Make sure hot pipes are covered.

☐ Move partition or wall.

☐ Other: _____

Implementation Date:

107. Is the top of the lavatory rim no higher than 34 inches? ADAAG 4.19.2

☐ Yes

☐ No

Height in inches: (enter "0" for none or N/A) _____

POSSIBLE SOLUTIONS

☐ Adjust or replace lavatory.

☐ Other: _____

Implementation Date:

108. Is there at least 29 inches from the floor to the bottom of the lavatory apron excluding pipes? ADAAG 4.19.2

☐ Yes

☐ No

Height in inches: (enter "0" for none or N/A) _____

POSSIBLE SOLUTIONS

☐ Adjust or replace lavatory.

☐ Other: _____

Implementation Date:

109. Can the faucet be operated with one closed fist? ADAAG 4.19.5

☐ Yes

☐ No

POSSIBLE SOLUTIONS

☐ Replace with paddle handles.

☐ Other: _____

Implementation Date:

110. Is at least one of each soap, paper towel dispenser, and hand dryers operable parts located within reach ranges and usable with one closed fist? ADAAG 4.27.3; Fig 5; Fig 6

☐ Yes

☐ No

POSSIBLE SOLUTIONS

☐ Lower dispensers.

☐ Replace with or provide additional accessible dispensers.

☐ Other: _____

Implementation Date:

111. Is the mirror mounted with the bottom edge of the reflecting surface 40 inches from

floor or lower? ADAAG 4.19.6

- ☐ Yes
- ☐ No

POSSIBLE SOLUTIONS

- ☐ Add a larger mirror elsewhere in the room.
- ☐ Lower or tilt mirror down.
- ☐ Other: _____

Implementation Date:

ACCESS ELEMENT E: ADDITIONAL ACCESS

When amenities such as drinking fountains and public telephones are provided, they should be accessible to people with disabilities.

DRINKING FOUNTAINS

Are there drinking fountains in the facility?

- ☐ Yes
☐ No

112. Is there at least one fountain with clear floor space at least 30 inches x 48 inches in front?

ADAAG 4.15.5

- ☐ Yes
☐ No

Width in inches: (enter "0" for none or N/A) _____

Depth in inches: (enter "0" for none or N/A) _____

POSSIBLE SOLUTIONS

- ☐ Clear more space by rearranging or removing furnishings..
☐ Other: _____

Implementation Date:

113. Is there one fountain with a spout no higher than 36 inches from the floor? **ADAAG 4.15.2**

- ☐ Yes
☐ No

Spout height in inches: (enter "0" for none or N/A) _____

POSSIBLE SOLUTIONS

- ☐ Provide cup dispensers for fountains with spouts that are too high.
☐ Provide accessible fountain.
☐ Other: _____

Implementation Date:

114. Are controls mounted on the front or on the side near the front edge and operable with one closed fist? **ADAAG 4.15.4**

- ☐ Yes
☐ No

POSSIBLE SOLUTIONS

- ☐ Replace the controls.
☐ Provide accessible fountain.
☐ Other: _____

Implementation Date:

115. Is each fountain cane-detectable? ADAAG 4.15.5

Located within 27 inches of the floor or protruding less than 4 inches from the wall.

- ☐ Yes
☐ No

Height in inches: (enter "0" for none or N/A) _____

POSSIBLE SOLUTIONS

- ☐ Place a planter or other cane-detectable barrier on each side at floor level.
☐ Other: _____

Implementation Date:

TELEPHONES

Are there pay or public use telephones in the facility?

- ☐ Yes
☐ No

116. If pay or public use telephones are provided, is there clear floor space of 30 inches x 48 inches in front of at least one phone? ADAAG 4.31.2

- ☐ Yes
☐ No

POSSIBLE SOLUTIONS

- ☐ Move furnishings to create clear floor space.
☐ Replace or remove booth, with open station.
☐ Other: _____

Implementation Date:

117. Is the highest operable parts of the telephone no higher than 48 inches? ADAAG 4.31.3

Up to 54 inches if a side approach is possible.

- ☐ Yes
☐ No
☐ N/A, TELEPHONE IS LOCATED ON A TABLETOP OR COUNTER.

Height in inches: (enter "0" for none or N/A) _____

POSSIBLE SOLUTIONS

- ☐ Lower telephone.
☐ Other: _____

Implementation Date:

118. Does the telephone protrude no more than 4 inches into the circulation space? ADAAG 4.31.4

- ☐ Yes
☐ No

Protrusion in inches: (enter "0" for none or N/A) _____

POSSIBLE SOLUTIONS

- ☐ Place a cane-detectable barrier on each side at floor level.
☐ Other: _____

Implementation Date:

119. Is the telephone identified with proper signage, which includes the symbol of a telephone earpiece with radiating sound waves? ADAAG 4.30.7

- ☐ Yes
☐ No

POSSIBLE SOLUTIONS

- ☐ Add proper signage.
☐ Other: _____

Implementation Date:

120. Is the location of a text telephone identified by accessible signage with the international TTY symbol? ADAAG 4.31.9

- ☐ Yes
☐ No

POSSIBLE SOLUTIONS

- ☐ Add proper signage.
☐ Other: _____

Implementation Date:

121. Does the pay or public use telephone have push-button controls? ADAAG 4.31.6

- ☐ Yes
☐ No

POSSIBLE SOLUTIONS

- ☐ Contact local phone company to install push-button controls.
☐ Other: _____

Implementation Date:

122. Is the pay or public use telephone hearing-aid compatible? ADAAG 4.31.5

- ☐ Yes
☐ No

POSSIBLE SOLUTIONS

- ☐ Install a hearing-aid compatible phone.
☐ Other: _____

Implementation Date:

123. Is the pay or public use telephone adapted with volume control? ADAAG 4.31.5

- ☐ Yes
☐ No

POSSIBLE SOLUTIONS

- ☐ Have volume control added.
☐ Other: _____

Implementation Date:

124. If there are public pay phones, is one equipped with a text telephone (TDD/TTY)? ADAAG 4.31.9

- ☐ Yes
☐ No

POSSIBLE SOLUTIONS

- ☐ Install a text telephone.
☐ Have a TTY available.
☐ Provide a shelf and outlet next to standard phone.
☐ Other: _____

Implementation Date:

ACCESS ELEMENT F: COMMUNICATIONS

AJCC(s)/OSCC(s) must ensure effective communication with individuals with disabilities.

INFORMATION IN ALTERNATIVE FORMATS

125. Upon request, are you able to provide literature, posting information, and audio-visual materials in formats which are understandable to persons with visual, hearing, learning and cognitive impairments? 29 CFR 37.8(b)

- ☐ Yes
☐ No

POSSIBLE SOLUTIONS

- ☐ Write materials at a fifth grade reading level and use graphics.
☐ Develop and keep up-to-date a Resource List of services available in your area for taping, Braille and publishing materials in large print.
☐ Develop an active network with community-based organizations that serve individuals with disabilities.
☐ All videos must be captioned.
☐ Other: _____

Implementation Date:

AUXILIARY AIDS

126. Are you able to provide appropriate auxiliary aids to ensure that communications with individuals with hearing, vision or speech impairments are as effective as communications with others?

29 CFR 37.9(b)

A written plan should be available so that all staff can locate, request, and obtain auxiliary aids.

- ☐ Yes
☐ No

POSSIBLE SOLUTIONS

- ☐ Auxiliary aids include services or devices as:
☐ Certified sign language interpreters
☐ Assistive listening devices
☐ Televisions with captioning capability
☐ Telecommunications devices for deaf persons (TTY)
☐ Video text displays
☐ Readers

- ☐ Taped texts
- ☐ Braille materials and large print materials
- ☐ Computer Diskette
- ☐ Other: _____

Implementation Date:

127. Have you developed a budget for auxiliary aids which must be provided without charge to participants upon request? 29 CFR 37.7(k)

- ☐ Yes
- ☐ No
- ☐ N/A, AN ON-GOING BUDGET IS IN PLACE, AUXILIARY AIDS ARE PURCHASED AS NEEDED FOR PARTICIPANTS.

POSSIBLE SOLUTIONS

- ☐ The budget will be developed for the next fiscal year.
- ☐ Other: _____

Implementation Date:

128. Is staff provided with on-going training in the use of auxiliary aids and the procedures to obtain them? 29 CFR 37.9(b)

- ☐ Yes
- ☐ No

POSSIBLE SOLUTIONS

- ☐ Training will be developed.
- ☐ Other: _____

Implementation Date:

INFORMATION TECHNOLOGY

129. Are you able to provide alternative access to a job network or other services delivered through a computer? 29 CFR 37.8(a)

Staff should be trained on how to turn on the captions feature in different programs and websites so that videos and other graphics with sound can be viewed with the captions.

- ☐ Yes
- ☐ No

POSSIBLE SOLUTIONS

- ☐ Have at least one staff member available to read and type for an individual with a visual impairment or assist an individual with a cognitive or hearing impairment.
- ☐ Provide adjustable workstation furniture that can be raised and lowered to accommodate the needs of the customer.
- ☐ Provide printed output at waist height.
- ☐ Provide workstations that are designed to accommodate wheelchairs.
- ☐ Provide universal workstation aids, such as a track ball, wrist rests and articulated forearm rests that can be adapted to the individual user.
- ☐ Consider configuring workstations with 17" or 21" monitors to accommodate the sight impaired.
- ☐ Equip workstations with a screen magnifier and a keyboard with large print key top labels for easy viewing.
- ☐ Incorporate Braille printing, screen reading software with speech synthesizer or possibly speech input into the workstation configuration in accordance with industry standards addressing compatibility.
- ☐ Other: _____

Implementation Date:

ACCESS ELEMENT G: EMERGENCY EVACUATION

AJCC(s)/OSCC(s) must ensure the safety of employees and participants with disabilities during emergencies.

EVACUATION PLAN

130. Do you have an emergency evacuation plan that identifies the individuals who need assistance, roles of key staff, egress routes, emergency contact telephone numbers, debriefing and counseling services. ADAAG 4.3.10

- ☐ Yes
☐ No

POSSIBLE SOLUTIONS

- ☐ The evacuation plan will be developed and in place.
☐ Other: _____

Implementation Date:

131. Does the emergency warning system include a visual flashing light signal and/or audible sound in all public and common use areas? ADAAG 4.28.2; 4.28.3

- ☐ Yes
☐ No
☐ N/A

POSSIBLE SOLUTIONS

- ☐ Consider installing an emergency warning system that includes visual flashing lights and an audible sound.
☐ Other: _____

Implementation Date:

ACCESS ELEMENT H: STAFF DEVELOPMENT

Staff must be knowledgeable of the AJCCs/OSCCs' legal obligations with respect to compliance with the Americans with Disabilities Act (ADA) Title II, the Rehabilitation Act (Section 504) and the Nondiscrimination and Equal Opportunity Regulations for WIOA.

132. Do you provide staff training and development in the following areas: 29 CFR 37.26

Disability Awareness	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Civil Rights	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Confidentiality	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Ethics	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Conflict Management	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Work Place Diversity	<input type="checkbox"/> Yes	<input type="checkbox"/> No

POSSIBLE SOLUTIONS

- ☐ Develop an Individualized Development Plan for each staff member covering the competencies indicated.
- ☐ Develop quick reference guidelines for staff to use when greeting individuals with disabilities as well as all customers entering the AJCC/OSCC.
- ☐ Provide staff training.
- ☐ Other: _____

Implementation Date:

ACCESS ELEMENT I: ACCESS TO PUBLIC MEETINGS

AJCC/OSCC programs and activities must be held in accessible buildings or facilities when accessibility is needed for staff or participants with disabilities.

PUBLIC MEETINGS AND TRAINING POLICIES

133. Do your policies and practices provide individuals with disabilities with equal participation in public meetings and training sessions? 29 CFR 37.7(a)

- ☐ Yes
☐ No

POSSIBLE SOLUTIONS

- ☐ Send meeting notices that include the process for requesting reasonable accommodation, the name of a contact person and telephone/TTY number
- ☐ Put meeting notices on local TV and radio as well as newspapers for people with visual or cognitive impairments
- ☐ Provide individuals with allergies or environmental illness an opportunity to request a fragrance-free environment. If this is the case, notify all participants to refrain from wearing heavily scented products and to air out dry-cleaned clothes.
- ☐ Provide information about bus routes, parking and physical accessibility.
- ☐ Arrange the seating for wheelchair accessibility.
- ☐ Other: _____

Implementation Date:

134. Does the AJCC/OSCC homepage website link include the following required Taglines: 29 CFR 37.34(a)

"This WIOA Title I-financially assisted program or activity is an equal opportunity employer/program;" and "Auxiliary aids and services are available upon request to individuals with disabilities."

- ☐ Yes
☐ No

Please provide the AJCC/OSCC webpage address: _____

POSSIBLE SOLUTIONS

- ☐ Add Taglines to homepage.
- ☐ Other: _____

Implementation Date:
