

# CHAPTER 7

## Disability Resources

### Overview

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**Introduction** Chapter 7 of the Workforce Development Department (WDD) Program Guide provides resource information and guidelines to assist WDD staff in providing quality services to customers who have disabilities.

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**References** This handbook chapter contains information regarding:

- Workforce Innovation and Opportunity Act (WIOA) regulations, signed into law in 2014 and Federal Register, Title 20 Part V and Part VI
- American Disabilities Act (ADA) Title II
- Assembly Bill 925 of 2003
- Equal Employment Opportunities Commission (EEOC) Enforcement Guidance on Reasonable Accommodation and Undue Hardship Under the Americans with Disabilities Act.
- State directive from the Department of Labor (DOL) and/or Employment Development Department (EDD) as outlined in the table below.

DOL		EDD
Training and Employment Guidance Letters (TEGL):		Workforce Service Directives (WSD):
• TEGL 10-14	• TEGL 37-14	WSD 17-01
• TEGL 11-14		

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# Overview, Continued

## Forms

The forms discussed in this Chapter are available on the WDD Intranet.

Form	Location
WDD Client Release	WDD Intranet>Forms and Manuals>Miscellaneous/Referral Forms tab
WDD Supplemental Disclosure Form (SDF)	WDD Intranet>Forms & Manuals>Enrollment tab.
WDD RTIS Translation and Interpretation	WDD Intranet> Forms & Manuals>Miscellaneous/Referral Forms>Translation and Interpretation Services

# Disability Non-Discrimination Laws

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## Introduction

This section provides information regarding disability laws America's Job Center of California (AJCC) staff must follow when providing services to customers who obtain assistance under the programs and activities funded by the Workforce Innovation and Opportunity Act (WIOA) Title I.

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## Disability non-discrimination laws

The following non-discrimination laws apply to customers:

- WIOA
  - Title II of the Americans with Disabilities Act (ADA)
  - Section 504 of the Rehabilitation Act of 1973, as amended
  - California Assembly Bill 925 of 2003
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## Disability non-discrimination staff duties

Under disability non-discrimination laws, AJCC staff have a duty to:

- Ensure customers with disabilities have an equal opportunity to benefit from WIOA programs, activities and services.
  - Focus on customers' abilities and the accommodations he/she needs, not on the limitations caused by a disability.
  - Provide effective service delivery for individuals based on disability-related inquiries.
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## Examples of discrimination

Examples of discriminatory actions prohibited by disability non-discrimination laws include, but are not limited to:

- Denying a qualified customer with a disability the opportunity to participate in or benefit from a program, service, or activity because of his/her disability.
  - Failing to provide reasonable accommodations or modifications to a qualified customer with a disability.
  - Stereotyping a customer with a disability when evaluating his/her skills, needs, abilities, and interests.
  - Using tests or other assessment processes that measure a customer's impairment, rather than his/her skills, and abilities.
  - Steering a customer with a disability to programs, activities, employers, or types of jobs different from those available to people who do not have a disability, unless permitted by law.
  - Accepting job orders from an employer who does not accept applications from qualified customers with disabilities.
  - Failing to select sites or locations accessible to customers with disabilities (e.g. public transportation system).
  - Providing 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 provided to others.
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# California Assembly Bill 925

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## Introduction

This section provides information regarding California Assembly Bill (AB) 925 of 2003. AB 925 requires fully accessible and comprehensive services for individuals with disabilities at California's one-stop career centers. As a result of AB 925, the following California Codes have been updated:

- Government Code – Sections 12803.6 and 12803.65
  - Unemployment Insurance Code (UIC) – Division 10 (commencing with Section 18000)
  - Welfare Institutions Code (WIC) – Sections 12300, 14007.95, 14132.95, and 14132.955
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## Accessible information and services

Under UIC, Division 10, Section 18000, customers with disabilities must be given equal access to workforce preparation services, including information and services provided electronically.

Workforce Innovation and Opportunity Act (WIOA) services provided at the AJCCs include, but are not limited to:

- Intake, registration, and orientation
  - Assessments and screenings of skills, aptitudes, abilities and need for supportive services
  - Program eligibility determinations
  - Labor market information
  - Information on filing for unemployment insurance
  - Intensive services
  - Training services
  - Marketing and outreach
  - Community collaboration and partnership
  - Assistive Technology
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## Referral to Medi-Cal programs and benefits planners

Under UIC, Section 18006, AJCC staff must provide customers with disabilities information regarding:

- Medi-Cal benefits
- Social Security Disability Insurance (SSDI)
- State Supplemental Program
- Supplemental Security Income (SSI)

**Note:** Refer to Chapter 11 – Referral of the Program Guide for the AJCC Partner Referral process.

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# Definition of Disability

Introduction	<p>The American and Disability Act (ADA) Title II defines disability into three (3) categories of impairment:</p> <ul style="list-style-type: none"><li>• <b>Category One</b> - A physical or mental impairment that substantially limits one or more of the major life activities.</li><li>• <b>Category Two</b> - A record of such impairment.</li><li>• <b>Category Three</b> - Being regarded as having such an impairment.</li></ul> <p>This section provides the definition and information about the three (3) categories of disability.</p>
Definition of physical impairment	<p>Physical impairment refers to any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems:</p> <ul style="list-style-type: none"><li>• Cardiovascular</li><li>• Circulatory</li><li>• Digestive</li><li>• Endocrine</li><li>• Genitourinary</li><li>• Hemic</li><li>• Immune</li><li>• Lymphatic</li><li>• Musculoskeletal</li><li>• Neurological</li><li>• Reproductive</li><li>• Respiratory (including speech organs)</li><li>• Skin</li><li>• Special sense organs</li></ul>
Definition of mental impairment	<p>Mental impairment refers to any mental or psychological disorder such as an intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disabilities.</p>
Definition of major life activities	<p>Major life activities include, but are not limited to functions, such as:</p> <ul style="list-style-type: none"><li>• Breathing</li><li>• Caring for one's self</li><li>• Communicating/interacting with others</li><li>• Concentrating/Thinking</li><li>• Hearing</li><li>• Learning</li><li>• Performing manual tasks</li><li>• Reading</li><li>• Seeing</li><li>• Standing/Sitting/Reaching/Bending</li><li>• Lifting</li><li>• Speaking</li><li>• Walking</li><li>• Working</li><li>• Writing</li></ul>

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## Definition of Disability, Continued

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### Category one

The first category of impairments used to define disability includes actual, current conditions, commonly regarded as disabilities because they are physical or mental impairments that substantially limit one or more of the major life activities.

#### **Examples:**

- Sally is deaf and considered a person with a disability because she has a physical impairment that limits the major life activity of hearing.
- Joe has paralysis resulting from a motorcycle accident and considered a person with a disability because he has a physical impairment that substantially limits the major life activity of walking.
- Doug has a cognitive disability and considered to be a person with a disability because he has a mental impairment that substantially limits the major life activity of learning.

**Note:** Conditions such as cancer, heart disease, arthritis, cerebral palsy, multiple sclerosis, Human Immunodeficiency Virus (HIV), and mental illness are considered disabilities when the condition causes a physical or mental impairment that substantially limits one or more of the major life activities.

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### Category two

The second category protects individuals who have a history of a physical or mental impairment that substantially limits one or more of the major life activities, including individuals who have been misclassified as having such an impairment.

#### **Examples:**

- Joan has been cancer-free for 10 years. Although she is not disabled today, Joan is considered a person with a disability because she has a history of having a physical impairment that substantially limited a major life activity.
- Maria speaks Spanish as her primary language. When she was tested for placement purposes in school, the test was given in English. Based on her test scores, she was misclassified as having a cognitive disability. Maria is protected as a person with a disability.

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### Category three

The third category includes an individual who:

- Has a physical or mental impairment that:
  - Does not substantially limit a major life activity, but is treated as having such a limitation, or
  - Substantially limits a major life activity only because of other people's attitudes towards the impairment.
- Does not have a physical or mental impairment, but is treated as having one.

**Example:** Ann has been repeatedly rejected for waitress jobs because of facial scars sustained from serious burns. She is considered a person with a disability under the third category.

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## Definition of Disability, Continued

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### Protected conditions

Physical and mental impairments protected under the ADA include, but are not limited to, contagious and noncontagious diseases and conditions such as:

- Alcoholism
- Attention Deficit Hyperactivity Disorder (ADHD)
- Cancer
- Cerebral palsy
- Diabetes
- Drug addiction
- Emotional illness
- Epilepsy
- Hearing impairments
- Heart disease
- HIV diseases – symptomatic or asymptomatic
- Intellectual Disability
- Multiple sclerosis
- Muscular dystrophy
- Orthopedic impairments
- Specific learning disabilities
- Speech impairments
- Tuberculosis
- Visual impairments

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### Conditions not considered a disability

Under Title II of the ADA, conditions not considered to be a disability are:

- Age by itself
- Homosexuality or bisexuality
- Simple physical characteristics, such as blue eyes or black hair
- Compulsive gambling, kleptomania, pyromania, and psychoactive substance use disorders resulting from current illegal use of drugs
- Poor judgement or quick temper when not part of a mental or psychological disorder
- Being poor
- Prison record
- Environmental, cultural and economic disadvantages
- Transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders

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### Alcoholism

The equal opportunity and non-discrimination provisions of WIOA Section 188, 29 CFR Part 38 applies to individuals currently using alcohol. This means an individual cannot be denied services because of the alcoholism itself.

However, a decision to withhold services can be based on the individual's current use of alcohol if it prevents him/her from performing the duties of the job or constitutes a direct threat to the individual or safety of others.

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## Definition of Disability, Continued

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**Drug addiction** The equal opportunity and non-discrimination provisions of WIOA Section 188, Code of Federal Regulations (29 CFR Part 38) does not include individuals with psychoactive substance use disorders resulting from current illegal use of drugs.

Individuals not engaging in current illegal use of drugs and who satisfy one of the following conditions are protected from discrimination:

- Has successfully completed a supervised drug rehabilitation program or has otherwise been rehabilitated successfully.
- Is participating in a supervised rehabilitation program.
- Was erroneously regarded as engaging in drug use, but is not engaging in such use.

**Note:** Agencies who administer policies or procedures to ensure customers are no longer engaging in the illegal use of drugs are not in violation of the non-discrimination and equal opportunity provisions of WIOA.

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**Determining if an impairment limits a major life activity** The determination of whether an impairment substantially limits a major life activity is **not** based on the *existence* of a condition or impairment, but by its *impact* on the customer. The conditions, manners, or duration under which a major life activity can be performed by the individual are limited when compared to most people. Therefore, an individual's limitations and not the outcomes achieved should be assessed.

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**Assessing risks** Assessing risks must be based on factual evidence and an assessment of the customer's present ability to safely satisfy the essential eligibility requirements of the program or activity, or perform the essential functions of the job.

To determine if an individual poses a direct threat, America's Job Center of California (AJCC) staff will assess the following risks factors:

- Nature, severity, and imminence of the harm,
  - Likelihood that the harm will occur,
  - Duration of the risk, and
  - Health or safety risks that cannot be eliminated or reduced by auxiliary aids and services, reasonable accommodations, or reasonable modifications in policies, practices and/or procedures.
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**Qualified individual with a disability** The equal opportunity and non-discrimination provisions of WIOA apply to *qualified individuals with disabilities* who meet the essential eligibility requirements for WIOA program, activity, or service.

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## Definition of Disability, Continued

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### **Disqualified individual with a disability**

A customer with a disability may be excluded/disqualified from a WIOA program, service or activity when he/she:

- Refuses to accept an accommodation or modification that is necessary for his/her participation to reduce or eliminate a significant risk to the health or safety of others (direct threat).
  - Poses a significant risk of substantial harm (direct threat) to the health and safety of himself/herself or others who cannot be eliminated or reduced to a safe level through a reasonable accommodation or through a modification of policies, practices or procedures.
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### **Access to training services**

AJCC staff will follow the guidelines below to ensure customers with disabilities have equal access to training services, including but not limited to:

- Not steering customers to or away from training based on his/her disability.
  - Not stereotyping or categorizing customers with disabilities when evaluating his/her skills, abilities, interests and needs.
  - Consulting with the Department of Rehabilitation (DOR) to:
    - Help customers determine what training may fall within his/her skills and qualifications.
    - Identify assistive technology and other accommodations that would allow the customer to fully participate in training activities and to succeed on a job.
  - Providing accommodations to customers who need the assistance to succeed in his/her selected training program.
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# Guidelines for Asking Disability Questions

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## Introduction

Request for disability information should be limited to what is absolutely necessary and the information must be kept confidential. The disability questions have been removed from the Workforce Innovation and Opportunity Act (WIOA) application and a separate application, entitled Supplemental Disclosure form (SDF) was developed. This section provides guidelines for America's Job Center of California (AJCC) staff when asking customers disability questions.

**Note:** Refer to Chapter 2, WIOA Eligibility and Services, Supplemental Disclosure Form section for additional information.

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## WIOA registration

AJCC staff should screen all customers for a disability during the WIOA registration to determine if assistance is needed. Requesting disability information in writing, using the SDF form.

**Note:** Refer to the Disclosure and Privacy section, Informing Notice block in this chapter for additional information.

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## During the course of service delivery

AJCC staff guidelines for inquiring about disabilities during the course of service delivery include:

- Asking disability-related questions in a private setting, never in a group setting.
  - Discussing sensitive issues, such as a history of mental illness, only with staff involved in the customer's service delivery.
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## Reasons for asking if a customer has a disability

AJCC staff may legally inquire about disabilities during WIOA registration, activities, and service delivery. Allowable reasons for asking about the presence of a disability include:

- Collecting equal opportunity data (i.e. a variety of demographic information, including disability status).
  - Determining if the customer is eligible for special services or funding.
  - Providing appropriate accommodations that enable the customer to fully benefit from services.
  - Helping the individual determine whether a particular disability-related accommodation, auxiliary aid or service, assistive technology, or program modification would be helpful.
  - Recognizing previously undiscovered disabilities that are barriers to employment success.
  - Determining if customers may want to consider a referral to experts who perform disability-related assessments or evaluations.
  - **Note:** It is **never** appropriate to ask a customer if he/she has a disability for the purpose of excluding or denying him/her from receiving services.
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# Disclosure and Privacy

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## Introduction

This section provides information regarding legal and ethical guidelines for America's Job Center of California (AJCC) staff when asking customers disability-related questions.

Requests for disability information should be limited to what is necessary and AJCC staff must adhere to customer's right to privacy.

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## Informing notice

When requesting disability-related information, AJCC staff must inform the customer verbally and in writing that:

- Providing the information is voluntary,
- The information will be kept confidential and maintained in a separate file,
- Refusal to provide the information will not subject the customer to any adverse treatment, and
- The information will be used only for the purposes allowed by the non-discrimination and equal opportunity provisions of WIOA.

The SDF is used to obtain the disability-related information. The [SDF form](#) is located in the **WDD Intranet>Forms & Manual>Enrollment tab**.

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## Communication with other staff

Communication between AJCC staff and customers are confidential. When communicating customer disability information with other staff consider the following to preserve the customer's confidentiality:

- Will the communication of information result in staff's ability to better meet the customer's needs?
- Is the information being communicated limited to what is relevant to the situation?
- Is it possible to discuss an issue without identifying the customer by name?

**Note:** If staff is unsure if information should be disclosed to another AJCC staff, he/she should consult with his/her supervisor or manager before discussing with another staff member.

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## Job screening

AJCC staff may ask the following questions during the screening process to evaluate and decide whether customers are qualified for specific job or training opportunities:

- Explain his/her ability to perform specific job functions,
  - Describe or demonstrate how he/she would perform a job task, provided the same questions are asked of all customers,
  - Disclose if an accommodation for the application process is needed, and
  - Describe technical skills and qualifications.
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## Disclosure and Privacy, Continued

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### Job referral

Prior to a job referral of employment or training, AJCC staff may not require medical examinations or make the following disability-related inquiries:

- Whether the customer will need a reasonable accommodation to perform the **essential functions** of the job, except if the customer has:
    - An obvious disability, and there is a reasonable belief the customer will need reasonable accommodations.
    - Voluntarily disclosed he/she has a hidden disability, and there is a reasonable belief the customer will need reasonable accommodations.
    - Voluntarily disclosed he/she needs reasonable accommodations to perform the job.
  - Information about the customer's underlying medical condition, and
  - Information about the customer's health or physical condition, medical history, previous workers' compensation claims, and prior health insurance claims.
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### Communication with employers

AJCC staff may only disclose disability-related information about a customer to an employer when the customer has satisfied **all** of the following circumstances:

- Makes an independent decision to disclose the information to the employer,
- Requests the AJCC staff makes the disclosure on his or her behalf, and
- Initiates the request, not the AJCC.

**Note:** Customer must sign the [Client Release](#) form prior to releasing any information to employers.

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# Auxiliary Aids and Services

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## Introduction

Workforce Innovation and Opportunity Act (WIOA) requires communications with individuals with disabilities must be as effective as communications with individuals without disabilities, affording the same opportunities and benefits by providing appropriate auxiliary aids and services. This section provides information regarding the equal opportunity and non-discrimination provisions of WIOA.

**Note:** Refer to the Assistive Technology section in the chapter for additional information.

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## Deaf or hard of hearing

For individuals who are deaf or hard of hearing, effective communication may include the use of the following auxiliary aids, devices, and strategies:

- Qualified interpreters on-site or through Video Remote Interpreting (VRI) services
  - Note takers
  - Real-time computer-aided transcription services
  - Written materials and the exchange of written notes
  - Telephone handset amplifiers
  - Assistive listening systems
  - Telephones compatible with hearing aids
  - Closed caption decoders
  - Open and closed captioning, including real-time captioning
  - Voice, text and video-based telecommunications products and systems, including text telephones/Teletype (TTYs), videophones, and captioned telephones or equally effective telecommunications devices
  - Videotext displays
  - Accessible electronic information and communication technology
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## Blind or visually impaired

For individuals who are blind or visually impaired, effective communication may include the use of the following auxiliary aids, devices, and strategies:

- Qualified readers
  - Taped texts
  - Audio recordings
  - Computer disks
  - Braille materials and displays
  - Screen reader software
  - Magnification software
  - Optical readers
  - Secondary auditory programs (SAP)
  - Large print materials
  - Accessible electronic and information technology
  - Other effective methods of making visually delivered materials available to individuals who are blind or low vision
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## Auxiliary Aids and Services, Continued

Surcharge	WDD may not charge a fee for the use of an auxiliary aid or service to any customer applying for WIOA services.
Pre-arranged aid or service	<p>When an auxiliary aid or service is available only on a pre-arranged basis, such as a sign language interpreter, and the customer has not provided advance notice of his/her need for the aid or service, AJCC staff should offer to reschedule the program or activity. If the offer is declined, AJCC staff should provide a different <i>effective</i> means of communication that is readily available at the AJCC.</p> <p>When determining if an auxiliary aid or service other than the one requested by the customer is an <b>effective</b> means of communication, the AJCC staff should consult with the customer and, if necessary, the Supervisor/Manager.</p>
Determining if a different aid or service is effective	
Determining undue burden and fundamental alteration	<p>The existence of an undue burden or fundamental alteration can only be determined by the WDD Director. When an auxiliary aid or service would result in an undue burden or fundamental alteration, another auxiliary aid or service must be provided that does not result in an undue burden or fundamental alteration, but still provides the customer with effective communication and quality services.</p>

# Sign Language Interpreters

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## Introduction

To ensure equal opportunity and effective communication with individuals who have a hearing impairment, auxiliary aids and services must be provided in accessible formats, in a timely manner, and in a way that protects the customer's privacy and independence.

Consideration of the type of auxiliary aids or services provided should be based on customers:

- Specific needs
- Request made by the customer
- Context in which the communication is taking place

This section provides information regarding sign language interpreters.

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## Qualified interpreter

WIOA defines *qualified interpreter* as someone who is able to interpret effectively, accurately, and impartially for individuals with disabilities. The interpreter must be able to interpret both receptively and expressively, using any necessary specialized vocabulary either in-person, through a telephone, a video remote interpreting (VRI) service, via internet, video, or other technological methods.

**Note:** Refer to Administration Handbook, Chapter 11- Equal Opportunity and Non-discrimination, Interpreters section for guidelines and contact information.

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## Using friends and family members as interpreters

America's Job Center of California (AJCC) staff may not require a customer to use friends, family members or minor children as sign language interpreters, as this could compromise the effectiveness of service and/or result in a breach of confidentiality.

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## Translation and interpretation services

Translation and sign language interpreter services that cannot be provided by certified County employees may be obtained through other agencies approved by the County.

### **Notes:**

- Refer to Administration Handbook, Chapter 11- Equal Opportunity and Non-discrimination, Interpreters section for guidelines and contact information.
  - The Request for Translation Services Form (RTIS) is located on the **WDD Intranet> Forms & Manuals>Miscellaneous/Referral Forms> Translation and Interpretation Services**.
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# Reasonable Accommodations

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## Introduction

A *reasonable accommodation* is a modification or adjustment allowing an otherwise qualified customer with a disability to:

- Apply for and receive Workforce Innovation and Opportunity Act (WIOA) services, programs, and activities.
- Be considered for the benefits, services, training, or employment that the qualified applicant/registrant desires.
- Ensure the same equal access and opportunity as customers without disabilities.

This section provides information regarding reasonable accommodations for customers with disabilities.

**Note:** Reasonable accommodations are not intended to compensate for a customer's lack of knowledge or skills.

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## Right to participate

America's Job Center of California (AJCC) staff have an obligation to:

- Provide reasonable accommodations for qualified customers with disabilities, unless providing the accommodation would cause an undue burden.
  - Modify policies, practices and procedures, unless the modification would fundamentally change the nature of a service, program or activity.
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## Requesting an accommodation

A customer may request an accommodation verbally or in writing. A customer does not need to mention the Americans with Disabilities Act (ADA), or use the terms *reasonable accommodation* or *reasonable modification*.

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## Reasonable accommodations

Reasonable accommodations include, but are not limited to:

- Making existing facilities accessible to and usable by individuals with disabilities (e.g., escorting a customer to an accessible counter area).
  - Physically changing a program or activity (e.g., raising a table in the resource room to allow a wheelchair to fit underneath it).
  - Restructuring the way a service is provided, for example:
    - Part-time or modified training schedules
    - Acquisition or modification of equipment or devices
    - Adjusting or modifying training materials, tests or policies
  - Providing readers or interpreters.
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## Reasonable Accommodations, Continued

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### Examples

The following examples of accommodations and modifications are relatively easy and inexpensive to provide:

- One-on-one staff assistance in reading and completing forms
  - Rearranging office furniture
  - Adjusting the lighting
  - Removing obstacles in hallways
  - Allowing extra time to complete a test or to use a computer
  - Providing large print, cassette disk or audio-taped documents
  - E-mailing or mailing job listings to a customer's home
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### Personal use items

WIOA does not require the America's Job Center of California (AJCC) to provide personal use items, such as:

- Wheelchairs and crutches
  - Eyeglasses and hearing aids
  - Readers for personal use or study
  - Personal assistance in eating, toileting, or dressing
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### Functional limitations

A customer may request an accommodation or modification due to functional limitations that affect his/hers ability to walk, breathe, learn, work, see, hear, speak, perform manual tasks, or care for himself/herself due to a disability.

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### Considering a request for an accommodation or modification

Before considering a customer's request for an accommodation or modification, AJCC staff must ensure the accommodation or modification:

- Is necessary to accommodate the functional limitations caused by an obvious or medically verified disability protected under WIOA.
  - Is not a substitute for knowledge or skills.
  - Is reasonable and promotes the success of the customer.
  - Will not create a safety hazard to himself/herself or others.
  - Will not cause a fundamental alteration.
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### Fundamental alteration

A fundamental alteration is a:

- Change in the essential nature of a program, service or activity, or
  - Cost that would result in an undue burden.
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## Reasonable Accommodations, Continued

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### Undue burden

Only the Workforce Development Department (WDD) Director has the authority to deny a reasonable accommodation or modification on the grounds it would result in an undue burden. Factors the WDD Director must consider when determining if the cost of a modification or accommodation would result in an undue burden include:

- The nature and net cost of the modification or accommodation
  - The overall financial resources of the department
  - Impact on the department's ability to carry out its business; and
  - Impact on the ability of other customers to receive services or training.
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### Right to request documentation

When a customer requests an accommodation and his/her disability or need for an accommodation **is not obvious**, staff may require the customer to provide a *Request for Documentation of Functional Limitations* form (WDD 188.3) to verify the existence of a disability and the necessity of the accommodation. The form must be completed by a qualified health professional.

AJCC staff may not require documentation:

- Of a medical diagnosis, prognosis or treatment plan, or
- When both the disability and need for a reasonable accommodation **is obvious**.
- If the customer has already provided sufficient information to substantiate, he/she has a disability and needs an accommodation.

Note: The [Request for Documentation of Functional Limitations \(WDD 188.3\)](#) is located in the **WDD Intranet>Forms & Manuals>Miscellaneous** folder.

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### Failure to provide documentation

A customer who fails to provide a completed *Request for Documentation of Functional Limitations* form (WDD 188.3), and his/her disability and need for an accommodation is not obvious, then the customer is not entitled to an accommodation.

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### Case-by-case approach

AJCC staff may determine what type of accommodation is appropriate, as long as the chosen accommodation is effective. What is effective for one customer may not be appropriate for another with a similar disability.

**Example:** Not all customers with visual impairments can read Braille, and not all people who are deaf use sign language.

When two or more accommodations are equally effective, primary consideration should be given to the customer's preference. However, AJCC staff may choose the accommodation easier and/or less expensive to provide even if it is not the specific accommodation requested by the customer.

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# Reasonable Accommodations, Continued

Response time	<p>In accordance with WIOA, AJCC staff must respond to accommodation requests in a timely manner.</p> <p><b>Example of an inappropriate delay:</b> A customer who uses a wheelchair requests an accessible parking space. The AJCC staff does not forward the request to the Supervisor/Manger and two months later no action has been taken to provide the accommodation. This is a violation of WIOA regulations due to the lack of action in processing the customer’s request.</p> <p><b>Example of an appropriate delay:</b> A customer who is blind requests adaptive equipment for a computer. Only one company sells the adaptive equipment, and it will take three months to receive delivery. This delay is not a violation of WIOA regulations because although the equipment will take three months to arrive, timely action was taken in requesting it. If feasible, other equipment options should be considered to temporarily accommodate the customer.</p>
Consideration of other funding sources	<p>Funding for accommodations may be available from the Department of Rehabilitation, Social Security Administration, Transitional Assistance Department, Medicare, Medi-Cal and/or private health insurance.</p> <p><b>Note:</b> AJCC staff will follow the process outlined for an Agency Partner Referral.</p>

# Service Animals

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<b>Introduction</b>	A service animal is trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. This section provides information about customers with service animals who apply for services through the America's Job Center of California (AJCC).
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<b>Etiquette</b>	When interacting with a person with a service animal, remember the animal is working. <b>Do not</b> do anything to interrupt the service animal while it is performing its tasks. Petting the animal, making noises, or offering food may distract the animal from its job. AJCC staff must always ask permission first and wait for the owner to respond and state it is okay to pet the animal.
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<b>Service animal tasks</b>	<p>Trained service animals can perform a wide range of tasks depending on the needs of the particular person with a disability. Example, service animals can:</p> <ul style="list-style-type: none"><li>• Guide people who are visually impaired.</li><li>• Alert a person who has a significant hearing loss when a sound, such as a knock on the door occurs.</li><li>• Pulling a wheelchair.</li><li>• Carry, fetch, retrieve dropped items, open doors, ring doorbells, activate elevator buttons, assist with balance, and help a person get up after a fall.</li><li>• Stand guard over a person during a seizure or go for help; predict a seizure and warn the person in advance.</li><li>• Preventing or interrupting impulsive or destructive behaviors.</li></ul>
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<b>Licensing and certification</b>	Animals who meet the definition of a service animal are considered service animals under the ADA regardless of whether the animal has been licensed or certified by a state or local government. There is no requirement the service animal wear any special gear or identification, or that the owner carry certification papers to prove it has been trained as a service animal.
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<b>Service animals at the AJCCs</b>	Under the ADA, the AJCCs must allow people with disabilities to bring his/her service animals into all areas of the facility where customers are normally allowed to go.
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<b>Inquiring about a service animal</b>	<p>When it is not apparent an animal qualifies as a service animal, AJCC staff may ask a customer the following two questions:</p> <ul style="list-style-type: none"><li>• Is the animal required because of a disability, and</li><li>• What work or tasks the animal has been trained to perform.</li></ul> <p><b>Note:</b> AJCC staff may not require certification of the animal's status as a service animal.</p>
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## Reasonable Accommodations, Continued

<b>Examples to assist with determining service animal status</b>	<p>Following are examples to assist AJCC staff with determining if an animal is a service animal. A customer:</p> <ul style="list-style-type: none"><li>• With no visible disability arrives at the AJCC with a dog that is on an ordinary leash. Since there is no evidence the customer has a disability, and no evidence the dog has been trained to perform any task, staff may ask the customer if the dog is a service animal and what tasks the dog has been trained to perform.</li><li>• Who uses a wheelchair arrives at the AJCC with a Siamese cat wearing a harness. Since it is obvious the customer has a disability, but there is no evidence the cat is a service animal, staff may ask the customer if the cat is a service animal and what tasks the cat has been trained to perform.</li><li>• With an obvious visual impairment arrives at the AJCC with a dog wearing a guide harness. Since it is obvious the customer has a disability and the dog appears to be a service animal, there is no reason to ask questions about the tasks the dog has been trained to perform.</li></ul>
<b>Other customers' complaints</b>	<p>Other customers who complain about the presence of a service animal, AJCC staff should explain the Federal law permits individuals with service animals to have access to public places.</p>
<b>Equal treatment</b>	<p>Customers with disabilities who use service animals cannot be charged extra fees, be isolated from other customers, or be treated less favourably than other customers.</p>
<b>Service animal responsibility</b>	<p>The care and supervision of a service animal is the responsibility of the customer who is using the animal's services. AJCC staff is not required to provide care or food for the animal.</p>
<b>Behaviour</b>	<p>The customer must be in full control of the animal at all times. If a service animal's behaviour is disruptive, destructive, or poses a direct threat to the health or safety of others, AJCC staff may ask the customer to remove the animal from the AJCC. However, AJCC staff:</p> <ul style="list-style-type: none"><li>• Should be aware of a service animal's behavior; such as barking may be a response to the owner's medical condition.</li><li>• May not make assumptions about how a particular animal is likely to behave based on past experience with other animals. Each situation must be considered individually.</li></ul> <p>Allergies and fear of animals are not valid reasons for denying access or refusing service to customers with service animals.</p>

# Assistive Technology

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## Introduction

To ensure equal opportunity and effective communication with individuals who are blind or visually impaired, auxiliary aids and services must be provided in accessible formats, in a timely manner and in a way that protects the customer's privacy and independence. Equal opportunity notices provided to customers with visual impairment in an alternate format (i.e. assistive technology) must be documented and retained in the customer's file.

This section provides information regarding alternate formats for presenting auxiliary aids and services to individuals who are blind or visually impaired.

This section provides information regarding assistive technology required by the Workforce Innovation and Opportunity Act (WIOA).

America's Job Center of California (AJCCs) and partners must provide the same level of service to all individuals. This includes providing assistive technology to individuals with disabilities in order to afford them an equal opportunity to participate and benefit from program services and activities.

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## Definition

Assistive technology is a term used to:

- Describe assistive, adaptive and rehabilitative devices for individuals with disabilities or the aged population, and
- The process for selecting, locating and using the devices.

The use of assistive technology promotes independence by enabling individuals with disabilities to perform tasks they are unable to accomplish or have difficulty accomplishing.

**Note:** Refer to the **WDD Intranet>Forms & Manuals>Assistive Technology** folder for the Assistive technology power point.

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## Hearing impaired

Assistive technology for individuals with hearing impairments includes, but is not limited to:

- **Pocket Talker PRO** – Amplifies sounds closest to the individual and reduces background noise. This device is ideal for one-on-one conversation or small groups.
  - **Sorenson Video Relay Service (SVRS)** – Free, 24-hour service that enables users to place and receive calls through a professional American Sign Language interpreter using a videophone and internet.
  - **Logitech USB Headset** – Headset with a microphone and headphone that connects through USB to a computer or other device. It is used for phoning, telephony via a computer and has controls for volume and microphone.
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## Assistive Technology, Continued

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### Speech impairment

Assistive technology for individuals with speech impairments includes, but is not limited to **UbiDuo 2**. The **UbiDuo2** is a portable speech-generating device with a 2-way communication system and changes text to speech for the customer.

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### Visual impairment

Assistive technology for individuals with visual impairments includes, but is not limited to:

- **DaVinci Closed Circuit Television (CCTV) Optical Character Recognition (OCR)** – Desktop video magnifier, selective text-to-speech and a 3-in-1 camera. Reads any printed text aloud.
  - **Scanning and Reading Appliance, Camera Addition (SARA CE)** – Place a printed document under the camera and the device reads the information using human-sounding speech. No computer experience needed.
  - **Keys-U-See Keyboard** – Large print keyboard with big, bold typeface keys that are easy to see.
  - **Fusion Pro Jaws/Zoom Text** – Screen magnification and visual enhancements for screen viewing ease, coupled with the power and speed of Job access with speech (JAWS) for screen reading functionality.
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### Physical impairment

Assistive technology for individuals with physical impairments includes, but is not limited to:

- **Dragon V 15.0** – Speech recognition software that allows an individual to speak into a microphone or headset attached to the computer and types text. Will also transcribe recordings downloaded to the computer.
  - **Big Track Ball Mouse** – Oversized mouse for individuals with low motion dexterity.
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