

IX. ACCOMMODATION

St. Louis County Workforce Development complies with the Americans with Disabilities Act (ADA) and is committed to the fair and equal employment of people with disabilities. STL-WFD does not discriminate against qualified job applicants or employees with disabilities with regard to job application procedures, hiring, employee compensation, advancement, training, discharge or other conditions and privileges of employment.

Qualified job applicants and employees with disabilities shall be provided reasonable employment-related accommodations when necessary, unless the accommodation would impose an undue hardship. This policy provides guidelines for employees and job applicants who wish to apply for reasonable accommodations with STL-WFD and prescribes the steps employees and job applicants should take if he or she is the victim of discrimination or retaliation in his or her request for an accommodation.

X. ACCOMMODATION DEFINITIONS

A. Disability: An individual with a disability has: A physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such an impairment; or is regarded as having such an impairment.

B. Essential Functions: The fundamental job duties that an employee must be able to perform with or without the help of a reasonable accommodation. The term "essential functions" does not include the marginal functions of the position.

C. Major Life Activities: Functions including, but not limited to: Caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, eating, sleeping, reading, concentrating, thinking, communicating and working. Impairments that are episodic or in remission if it would substantially limit a major life activity when active. Operations of major bodily functions, including but not limited to functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine and reproductive functions.

D. Qualified individual or applicant with a disability: A person who meets legitimate skill, experience, education, or other requirements of an employment position that he or she

holds or seeks, and who can perform the essential functions of the position with or without reasonable accommodation.

E. Reasonable accommodation: Modifications or adjustments to a job application process that enable a qualified applicant with a disability to be considered for the position such qualified applicant desires; or Modifications or adjustments to the work environment, or to the manner or circumstances under which the position held or desired is customarily performed, that enable a qualified individual with a disability to perform the essential functions of that position; or Modifications or adjustments that enable a covered entity's qualified employee with a disability to enjoy equal benefits and privileges of employment as are enjoyed by its other similarly situated employees without disabilities.

F. Undue hardship: An undue hardship exists if an accommodation: Would cause an employer to incur significant difficulty or expense, in comparison to the financial resources available to the employer. Is overly extensive, substantial, or disruptive or would alter the nature or operation of the business. An employer is not obligated to make an accommodation that would cause an "undue hardship."

G. Service animal: Any dog that is individually 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. Service animals are working animals, not pets. The work or tasks performed by a service animal must be directly related to the individual's disability. Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under the Americans with Disabilities Act (ADA). A service animal must not display behavior that infringes upon another individual's well-being or participation in services.

XI. RELIGIOUS ACCOMMODATION GUIDELINES

1. Employees and job applicants may request an accommodation by STL-WFD Accommodation Request Form and submit it, along with supporting documentation, if applicable, to Human Resources.

2. In an effort to determine if the request is based upon religious beliefs or practices sincerely held, Human Resources may:

- Discuss the employee or job applicant's stated religious beliefs or practices with the employee, job applicant and/or spiritual leader (if applicable).
- Identify/evaluate potential accommodations and assess the effectiveness each would have in allowing the individual to observe his/her stated religious beliefs or practices.
- Through discussion with the Manager of Human Resources and/or Officer, assess whether the accommodation request presents an undue hardship.

3. Human Resources has the right to deny the accommodation request if it is determined that the employee or job applicant is not fully cooperating with Human Resources during the process.

XII. MAKING ACCOMMODATION REQUESTS

1. Employees may request an accommodation by completing STL-WFD Accommodation Request Form and submitting it, along with supporting medical documentation, if applicable, to Human Resources. Employees may request accommodations verbally or in writing; however, Human Resources requests that, whenever possible, employees utilize the Accommodation Request Form.

2. In an effort to determine if the employee is a qualified individual with a disability and evaluate whether the request for an accommodation presents an undue hardship, Human Resources may: Discuss the requested accommodation with the employee. Discuss the purpose and essential functions of the particular job involved with the supervisor/manager and the employee. Identify/evaluate potential accommodations and assess the effectiveness each would have in allowing the individual to perform the essential functions of the job. While an individual's preference will be given consideration, STL-WFD is free to choose among equally effective accommodations and may choose the one that is less expensive or easier to provide through discussion with the Director, assess whether the accommodation presents an undue hardship.

3. Human Resources has a right to seek medical verification of the disability, work restrictions, and medical need for accommodation.
4. If the disability or need for accommodation is not obvious, STL-WFD may ask the employee to provide supporting documents showing that the employee has a disability within the meaning of the ADA and applicable state or local laws, and that the disability necessitates a reasonable accommodation. If the information provided in response to this request is insufficient, STL-WFD may seek further clarification from the employee's medical provider, with permission from employee, or ask that the employee see a healthcare professional of STL-WFD's choosing, at STL-WFD's expense.
5. Human Resources has the right to deny the accommodation request if it is determined by STL-WFD that the employee is not fully cooperating with Human Resources during the process.

XIII. ACCOMMODATION REQUEST PROCEDURES FOR JOB APPLICANTS

1. The job applicant shall inform Human Resources of the need for an accommodation, preferably in writing in order to participate in the interview and or testing process.
2. Human Resources will discuss the requested accommodation and possible alternatives with the applicant.
3. Human Resources will discuss the interview and/or testing accommodation request with staff when applicable to determine if the accommodation request presents an undue hardship.
4. Human Resources will make a decision regarding the interview and/or testing request for accommodation and, if approved, take the necessary steps to see that the accommodation is provided.
5. If offered a position, the job applicant shall inform Human Resources of the need for an employment accommodation, preferably in writing in order to perform the essential job responsibilities.

6. Human Resources will discuss the requested employment accommodation and possible alternatives with the applicant.

7. Human Resources will discuss the employment accommodation request with staff and assess the impact to the essential job functions and determine if the accommodation creates an undue hardship.

XIV. RESOURCES REGARDING ACCOMMODATIONS

- U. S. Equal Employment Opportunity Commission, Chapter XIV -Part 1630 - Regulations to Implement the Equal Employment Provisions of the Americans with Disabilities Act:

<http://www.eeoc.gov>

- Job Accommodation Network (JAN): Website available for questions related to workplace accommodations or the Americans with Disabilities Act (ADA)

www.askjan.org

- The Civil Rights Act of 1964, as amended

- STL-WFD Harassment and Discrimination Policy

XV. RETALIATION: ACCOMMODATIONS

Retaliation occurs when an employer takes an adverse action against a covered individual because he or she engaged in a protected activity. STL-WFD prohibits retaliation against a job applicant or employee from exercising his/her right to request an accommodation. The following is a non-exclusive list of actions that may be retaliation: termination, refusal to hire, denial of promotion, intimidation, harassment, threat(s), withholding of employment benefits and/or opportunities.

If a job applicant or employee believes he or she is the victim of retaliation, he or she may file a complaint with the Local Equal Opportunity Officer, the Missouri Commission on Human Rights or the U.S. Equal Employment Opportunity Commission.

XVI. FINAL DECISION

Human Resources will provide a decision regarding the employee's request for a reasonable accommodation as quickly as reasonably possible.

If an employee believes that a decision regarding reasonable accommodation has been reached for discriminatory reasons, he or she may file a complaint with the following entities:

Angela Erby, Local EO Officer

EO Officer/Workforce Development Manager

St. Louis County Workforce Development

715 Northwest Plaza

St. Ann, MO 63074

Phone: (314) 615-4433 | Missouri Relay Services at 711

Email: Aerby@stlouiscountymo.gov

Danielle Smith, WIOA State EO Officer

DHEWD, State Equal Opportunity Officer

301 W. High Street

PO Box 1087

Jefferson City, MO 65102

Phone: (573) 751-2428 | Fax: (573) 751-4088 | Missouri Relay Services at 711

Email: danielle.smith@dhewd.mo.gov

Americans with Disabilities Act (ADA)

US Department of Justice

950 Pennsylvania Avenue, NW

Civil Rights Division

Disability Rights Section

Washington, D.C. 20530

<https://civilrights.justice.gov/report/>

Civil Rights Center

Director

Civil Rights Center

ATTENTION: Office of External Enforcement

U.S. Department of Labor

200 Constitution Ave NW

Room N-4123

Washington, DC 20210

Faxed to (202) 693-6505, ATTENTION: Office of External Enforcement (limit of 15 pages)

Emailed to CRCEXternalComplaints@dol.gov

Missouri Commission on Human Rights

3315 W. Truman Blvd., Rm 212

P.O. Box 1129

Jefferson City, MO 65102-1129

Phone: (573) 751-3325 | Toll-Free Complaint Hotline: 1-877-781-4236 | Relay Missouri: 711

Relay Missouri: 1-800-735-2966 (TDD) | Fax: (573) 751-2905

mchr@labor.mo.gov

U.S. Equal Employment Opportunity Commission

1-800-669-4000 | 1-800-669-6820 (TTY for Deaf/Hard of Hearing callers only)

1-844-234-5122 (ASL Video Phone for Deaf/Hard of Hearing callers only)

info@eeoc.gov