

<b>Subject:</b>	ADA Title II Requirements
<b>Policy Number:</b>	ADWDB-07-2021
<b>Replaces:</b>	N/A
<b>Implementation Date:</b>	May 13, 2021
<b>Distribution:</b>	Arapahoe/Douglas Works! Workforce Center Leadership and Employees

**CHANGES RESULTING FROM THE COMMENT PERIOD ARE YELLOW-HIGHLIGHTED**

**The Arapahoe/Douglas Workforce Development Board (ADWDB) has designated Arapahoe/Douglas Works! as the provider of Career Services for WIOA Title I: Adult, Dislocated Worker and Young Adult programs, Title III: Wagner-Peyser, and Temporary Assistance for Needy Families (TANF).**

**CITATIONS/REFERENCES**

- Americans with Disabilities Act of 1990, P.L. No. 101-336, as amended by ADA Amendments Act of 2008 (P.L. 110-325)
- ADA Title II Regulations at 28 CFR Part 35 Nondiscrimination on the Basis of Disability in State and Local Government Services [Electronic Code of Federal Regulations]
- Section 504 of the Rehabilitation Act of 1973, Pub. L. No. 93-112, as amended <https://www.dol.gov/agencies/oasam/centers-offices/civil-rights-center/statutes/section-504-rehabilitation-act-of-1973>
- 29 CFR Part 38, Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Innovation and Opportunity Act (WIOA) of 2014, specifically 29 CFR 38.12, Discrimination Prohibited Based on Disability
- 29 CFR Part 32, Implementing Non-Discrimination on the Basis of Handicap [current term - disability] in Programs and Activities Receiving Federal Financial Assistance
- Section 188 of the Workforce Innovation and Opportunity Act: Physical and programmatic accessibility of facilities, programs, services, technology, and materials, for individuals with disabilities
- A Guide to Disability Rights Laws and Contact Information in the United States | Rocky Mountain ADA: Summaries for all disability rights laws and contact information for each law. Individual agencies and credible resources were used in the compilation of this Desktop Guide to Disability Rights Laws in the United States as of 2020
- Policy Guidance Letter (PGL) ADM-2021-01 - ADA Title II Requirements for Local Areas

**PURPOSE**

To establish guidance, processes and procedures in regards to compliance with the requirements of Title II of the Americans with Disabilities Act (ADA).

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## BACKGROUND

The ADA became law in 1990. The purpose of the law is to protect people with disabilities from discrimination in employment. In 2008, Congress passed the ADA Amendment Act (ADAAA) to broaden the definition of "disability" that had been narrowed by Supreme Court decisions.

The term disability means:

- A physical or mental impairment that substantially limits one or more of a person's major life activities such as: breathing, seeing, hearing, walking, sitting, standing, sleeping, caring for yourself, lifting, or learning.
- Having a record of an impairment
- Being regarded as having an impairment

Title II of the ADA states that *"no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of services, programs, or activities of a public entity, or be subjected to discrimination by any such entity."* Public entities include any State and local government or any department, agency, special purpose district, or instrumentality of a State or States or local government.

Non-discrimination requirements of the ADA include, but are not limited to:

1. Integration of people with disabilities to the maximum extent appropriate;
2. Reasonable modifications of practices, policies, and procedures; and
3. Effective communication

Section 188 of the Workforce Innovation and Opportunity Act (WIOA) explicitly states that any Title II (State or local government) entities that receive WIOA funding are subject to applicable provisions of the ADA, regarding the **physical** and **programmatic accessibility** of facilities, programs, services, technology, and materials, for individuals with disabilities. WIOA defines programmatic accessibility to mean *"policies, practices, and procedures providing effective and meaningful opportunities for persons with disabilities to participate in or benefit from aid, benefits, services, and training."*

This policy focuses on the ADA Title II requirements for the Arapahoe/Douglas local area to implement strategies and policies that ensure physical and programmatic access for disabled individuals to programs and services offered by its workforce centers and co-located partners, as well as any sub-recipients under contract with the local area.

## POLICY/ACTION

### **A. Self-Evaluation Requirements for Workforce Centers**

Public entities are required to evaluate current services, policies, processes, and practices to determine if they meet the requirements of the ADA. As part of this Self-Evaluation, public entities must provide an opportunity to interested people, people with disabilities, and organizations that represent people with disabilities, to take part in the Self-Evaluation process by submitting comments. This project will benefit from inclusiveness; therefore, workforce boards, city councils, and employees who have self-identified as having a disability within the public entity should be considered for participation when appropriate. The customers with disabilities already being served in the local area may offer the opportunity to be creative when focusing specifically on their known needs. **The Self-Evaluation must be kept on file and made available for public inspection. A public entity that employs 50 or more employees must retain its Self-Evaluation for three (3) years.** Other public

entities are not required to retain their Self-Evaluations, but are encouraged to do so because these documents evidence a public entity's good faith efforts to comply with ADA Title II requirements.

**A reasonable time between considering the completion of a new Self-Evaluation would be three (3) years,** assuming some conditions have changed, e.g. construction/modification of an existing facility, moving to a new facility, or adding new technology to improve programmatic accessibility. As a best practice, during the annual Combined Monitoring of workforce centers, which includes Equal Opportunity (EO) Monitoring along with Programs and Fiscal Monitoring, the State Equal Opportunity Officer (EEO) will review the current Self-Evaluation with the Local EOO and/or ADA Coordinator and any other employees deemed necessary by the Local Area Director. Because EO Monitoring can be characterized as collaborative, the State EOO also may review the Transition Plan and the ADA-related policies in order to suggest changes that may affect compliance.

The Local EOO, the Local ADA Coordinator, **or a stakeholder or group of stakeholders**, may conduct the Self-Evaluation. The **One-Stop** Director may choose to designate a specific project manager depending on the complexity and scope of the Self-Evaluation. The individual appointed to take charge of the Self-Evaluation must address both programmatic and physical accessibility **to facilities, programs, services, technology, and materials**, for individuals with disabilities, because any/all changes constituting reasonable accommodations must be noted in the Transition Plan explained below in section B.

#### **Programmatic Accessibility Self-Evaluation Toolkit**

This Toolkit was developed for CDLE as part of the Disability Employment Initiative (DEI) Grant so that Workforce Areas in the State of Colorado can evaluate their Programmatic Accessibility. In addition, Workforce Areas now have a clear outline for how to reach full Programmatic Accessibility using this written guidance, the resources, and the recommendations. A Checklist begins on Page 85:

<https://rockymountainada.talentlms.com/unit/view/id:2013>

#### **Reasonable Accommodations Requiring Physical Changes**

When questions or issues arise related to reasonable accommodations that necessitate physical changes to a facility, the local area may contact its local Facilities Manager or outside resources such as the Rocky Mountain ADA to obtain technical assistance. **When a county is involved in making the decision to proceed with or to deny the physical modification of a facility, the name and contact information for the individual placed in charge must be provided to the State EOO.**

For a leased property, the landlord (lessor) may need to be contacted to determine if the lease permits the physical alteration under consideration to the leased facility. The State EOO may be contacted at any time to discuss how to support the preference of the workforce center, i.e. to provide or not to provide an accommodation for one of its customers with a disability.

#### **B. ADA Transition Plan for Workforce Centers**

Public entities are required by the ADA to create a transition plan that addresses all of the physical barriers and programmatic accessibility issues identified in the final Self-Evaluation Plan. This plan **for workforce centers** must address the transition steps for each workforce center in the local area and include the following:

1. Identifies architectural barriers that limit accessibility in the public entity's facilities and programmatic problems that limit accessibility to programs and opportunities available to other customers.

2. Describes in detail the methods that will be used to make the facility and programs accessible.
3. Specifies the schedule for taking necessary steps to achieve compliance
4. Indicates the official (manager, supervisor, or employee) responsible for implementation of the plan.
5. Plan may include costs and budgetary considerations especially if one or more of the changes identified will take longer than a year to complete.

If the state or local governmental entity has 50 or more employees, it must have a designated ADA Coordinator. **Any state or local government that does not have an ADA coordinator is in violation of federal law.** This position may be hired to serve the county and does not have to be a workforce center employee. Ideally, each local area can determine who has the training necessary or who can be trained in a timely manner to assume the duties and responsibilities required as an ADA Coordinator or an equivalent by a different title. Pragmatically, this may not be the case for many local areas; therefore, as part of the Self-Evaluation and the Transition Plan, this potential compliance problem must be noted.

The State EOO will be available to provide guidance and to review completed sections of both the Self-Evaluation and the Transition Plan. Both of these documents may be reviewed as part of the annual Combined Monitoring. The EO Monitoring Tool will contain a section dedicated to these documents which will be provided to Local EOOs, Local ADA Coordinators --and any other employees deemed necessary by the **One-Stop** Director--prior to the commencement of the monitoring event.

#### **Reference Sources**

2010 ADA Standards for Accessible Design [https://www.ada.gov/2010ADASTandards\\_index.htm](https://www.ada.gov/2010ADASTandards_index.htm) 2010 ADA Standards <https://rockymountainada.talentlms.com/catalog/info/id:126>  
ADA Checklist for Existing Centers <https://adachecklist.org/>

#### **C. Required Policies and Postings**

**Required Policies:** Public entities are required to have the following policies in place to comply with the requirements of Title II of the ADA [28 C.F.R.]:

1. Notice of compliance (§35.106)
2. Non-discrimination Eligibility Criteria (§35.130)
3. Grievance policy (§35.107(b))
4. Contractor Reps & Certs (§35.130(b))
5. Reasonable modification program policy (§35.130(b)(7))
6. Service animal policy (§35.136)
7. Powered mobility policy (§35.137)
8. Equal employment policy (§35.140)
9. Reasonable accommodation employment policy (§1630.9)
10. Effective communication policy (§35.160)
11. Transportation access policy (§37.5) (if applicable)
12. Emergency Management Plan Development policy (see generally §§ 35.130,35.149) (revised during comment period)

These policies may necessarily vary as to both development and publication, depending upon the type of organizational structure, e.g. county or state, and who has the authority and control over such decisions. This also means that some of the above policies may be already in place for the State or

county; however, the Workforce Center may choose to adopt the State or county policy or to develop a policy specifically for their Local Workforce Area. If a Local Workforce Area decides to develop its own policy or policies, the policy or policies must cover all of the requirements found in the State or county policies, i.e. Local Workforce Area may strengthen but not weaken policies already in place. If a Local Workforce Area adopts a county policy or policies that adequately cover(s) all of the ADA-related policies enumerated above, no further action is required by the Local Workforce Area.

Discrete policies on each subject matter may be created, or one policy document with multiple sections covering all of the applicable subject matters will suffice. Review of these policies also will be relegated to the ADA Compliance Review Section of the EO Monitoring Tool. Prior to the beginning of annual Combined Monitoring, the State EOO will be available to provide guidance, assist with research, and review any new policy during development or in its finished stage.

**NOTE:** Model Language and Templates for the required policies are provided in Attachment 1 to this policy.

#### **Required Postings**

Workforce Centers as ADA Title II entities must establish, post publicly, and disseminate by other means, sufficient information to applicants, participants, beneficiaries, and other interested persons to inform them of the rights and protections afforded by the ADA. Revisions to such postings should be made, as needed, in a timely manner. CDLE recommends that both digital and physical postings occur to ensure accessibility.

#### **D. Local ADA Coordinator/Local EO Officer**

**Local ADA Coordinator:** If the state or local government entity has 50 or more employees, it must have a designated ADA Coordinator. **Any state or local government that does not have an ADA coordinator is in violation of federal law.** Larger local areas with 50 or more employees must designate an employee to serve as the Local ADA Coordinator and provide the name and contact information of that employee to the State EOO.

*Ideally, each local area can determine who has the training necessary or who can be trained in a timely manner to assume the duties and responsibilities required as an ADA Coordinator or an equivalent by a different title. The ADA Title II Coordinator checklist is designed for use as an assessment of (1) the requirements and tasks of an ADA Coordinator, (2) the government entity's provision of the ADA notice, and (3) the government entity's ADA grievance procedures.*

<https://www.ada.gov/pccatoolkit/noticetoolkit.htm>

**Local EO Officer:** Section 188 of WIOA states that WIOA programs and partners must designate an Equal Opportunity (EO) Officer who meets the eligibility criteria and assumes prescribed responsibilities regarding individuals with disabilities.

**Both:** The work of the Local ADA Coordinator and the Local EO Officer may be accomplished by one employee for local areas with less than 50 employees if the employee's overall workload allows sufficient time to coordinate all the work demanded for Title II compliance. However, designating one employee to serve as the Local EOO and one Employee to serve as the Local ADA Coordinator should be viewed as a best practice. These individuals do not have to be workforce center staff, but may be local area employees in other departments or divisions.

When an employee no longer serves in either role, the State EOO must be notified within **ten (10)** business days, and the name(s) of the new employee(s) designated to serve in either or both of these roles --Local ADA Coordinator and Local EO Officer-- must be provided along with their contact information. The names and contact information of any new employee designated to serve in either role **should** be updated on all hard copy materials, digital publications, and on any website where the former employee's name appeared within ten (10) business days, **as a best practice.**

#### **E. ADA Training Recommendations**

*Local areas are encouraged to provide ADA related training for all staff, including but not limited to the following topics:*

1. CDLE Programmatic Accessibility Toolkit [WIOA Colorado Expert Learning Moodle Site](#)  
Directions for login: In the "Is this your first time here" section at the bottom click create a new account, add a valid email and password, verify your registration through email, click on **Programmatic Accessibility for Colorado WIOA Partners** link to self-enroll in course, and begin with Course Guide and then Chapter 1
2. Disability Etiquette Training
3. Implicit Bias Training
4. Specialized Training
  - a. Creating Accessible Documents and Presentations
  - b. Website Content Accessibility Guidelines
  - c. Service Animals

Excellent free training courses and materials are available on the Region VIII Rocky Mountain ADA website. <https://www.rockymountainada.org/>

#### **F. Summary of Requirements and Initial Deadlines**

1. **The following documents must be available by no later than September 1, 2021, for the annual combined monitoring review:**
  - a. ADA Title II Self-Evaluation of Workforce Centers
  - b. ADA Title II Transition Plan for Workforce Centers
  - c. **11-12** Required ADA Title II County/State or Local Workforce Area policies
2. **Posting** of sufficient information to applicants, participants, beneficiaries, and other interested persons to inform them of the rights and protections afforded by the ADA **by no later than September 1, 2021**
3. **Designation of Local Equal Opportunity Officer and Local ADA Coordinator by no later than September 1, 2021**
4. Notification of the State EO Officer within the **(10)** business days regarding any change to the following information:
  - a. Names and contact information for the Local ADA Coordinator and the Local EO Officer
5. Notification of the State EO Officer regarding the following information:
  - a. Name and contact information for the local individual designated to take the lead for implementing reasonable accommodations requiring physical changes.

**ATTACHMENTS:**

**1. Model Language and Templates for Twelve Required ADA Policies**

- Notice Under the ADA
- ADA Non-Discriminatory Eligibility Policy
- ADA Grievance Procedure
- ADA Contractors, Licensing, and Certification Policy
- ADA Reasonable Modification Policy
- ADA Service Animal Policy
- ADA Mobility Device Policy
- ADA Equal Opportunity Policy
- ADA Reasonable Accommodation Policy
- ADA Effective Communication Policy
- ADA Transportation Access Policy (if applicable)
- ADA Emergency Management Plan Policy (revised during comment period)

*Only the Arapahoe/Douglas Works! Division Manager and/or the Workforce Center Administrator may grant exceptions to provisions within this policy.*

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(Changes made during the comment period are yellow-highlighted.)

## POLICY TEMPLATE #

1 - NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT (§35.106)	p.2
2 - ADA NONDISCRIMINATORY ELIGIBILITY CRITERIA POLICY (§35.130(b)(8))	p.3
3 - ADA GRIEVANCE PROCEDURE (§35.107(b))	p.4
4 - ADA CONTRACTORS, LICENSING, and CERTIFICATION POLICY (§35.130(b))	p.5
5 - ADA REASONABLE MODIFICATION POLICY (§35.130(b)(7))	p.6
6 - ADA SERVICE ANIMAL POLICY (§35.136)	p.7
7 - ADA MOBILITY DEVICE POLICY (§35.137)	p.9
8 - ADA EQUAL EMPLOYMENT POLICY (§35.140)	p.11
9 - ADA REASONABLE ACCOMMODATION POLICY (§1630.9)	p.15
10 - ADA EFFECTIVE COMMUNICATION POLICY (§35.160)	p.16
11 - ADA TRANSPORTATION ACCESS POLICY (§37.5)	p.18
12 - ADA EMERGENCY MANAGEMENT PLAN DEVELOPMENT POLICY	p.19



**POLICY TEMPLATE 1**  
**NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT (§35.106)**

In accordance with the requirements of title II of the Americans with Disabilities Act of 1990 ("ADA"), [WORKFORCE CENTER] of [State] will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

**Employment:** Arapahoe/Douglas Works! Workforce Center does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under title I of the Americans with Disabilities Act (ADA).

**Effective Communication:** Arapahoe/Douglas Works! Workforce Center will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in Arapahoe/Douglas Works! Workforce Center programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

**Modifications to Policies and Procedures:** Arapahoe/Douglas Works! Workforce Center will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all Arapahoe/Douglas Works! Workforce Center programs, services, and activities. For example, individuals with service animals are welcomed in Arapahoe/Douglas Works! Workforce Center offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in an Arapahoe/Douglas Works! Workforce Center program, service, or activity, should contact the office of [name and contact info for ADA Coordinator] as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require the Arapahoe/Douglas Works! Workforce Center to take any action that would fundamentally alter the nature of its programs or services or impose an undue financial or administrative burden.

Complaints that an Arapahoe/Douglas Works! Workforce Center program, service, or activity is not accessible to persons with disabilities should be directed to [name and contact information of ADA Coordinator].

Arapahoe/Douglas Works! Workforce Center will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

**POLICY TEMPLATE 2**  
**THE AMERICANS WITH DISABILITIES ACT (ADA) NONDISCRIMINATORY ELIGIBILITY CRITERIA POLICY**  
**(§35.130(b)(8))**

Arapahoe/Douglas Works! Workforce Center of [State] will not impose or apply eligibility criteria that screen out or tend to screen out an individual with a disability or any class of individuals with disabilities from fully and equally enjoying any service, program, or activity, unless such criteria can be shown to be necessary for the provision of the service, program, or activity being offered.

Arapahoe/Douglas Works! Workforce Center may impose or apply eligibility criteria that screen out or might screen out an individual with a disability or any class of individuals with disabilities from fully and equally enjoying any service, program, or activity, when such eligibility criteria are in place to avoid a fundamental alteration in the nature of a program or because of a legitimate safety requirement. Arapahoe/Douglas Works! Workforce Center will ensure that its safety requirements are based on actual risks, not on mere speculation, stereotypes, or generalizations about individuals with disabilities.

In those circumstances where personnel of Arapahoe/Douglas Works! Workforce Center believe that waiving eligibility criteria would fundamentally alter a service, program, or activity, Arapahoe/Douglas Works! Workforce Center must prove that waiving eligibility criteria would result in such alteration. The decision that waiving eligibility criteria would result in such alteration must be made by the Arapahoe/Douglas Works! Workforce Center manager or his or her designee after considering all reasonable methods or means of providing access to the service, program, or activity, and must be accompanied by a written statement of the reasons for reaching that conclusion. If an action would result in such an alteration Arapahoe/Douglas Works! Workforce Center must take any other action that would not result in such an alteration but would nevertheless ensure that individuals with disabilities receive the benefits or services provided by Arapahoe/Douglas Works! Workforce Center.

**POLICY TEMPLATE 3**  
**THE AMERICANS WITH DISABILITIES ACT (ADA) GRIEVANCE PROCEDURE (§35.107(b))**

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990. It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by Arapahoe/Douglas Works! Workforce Center of [State name]. The County's Personnel Policy governs employment-related complaints of disability discrimination.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request.

The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

[Name and address of ADA Coordinator]

Within 15 calendar days after receipt of the complaint, [name of ADA Coordinator] or [his/her designee] will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, [name of ADA Coordinator] or [his/her designee] will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of Arapahoe/Douglas Works! Workforce Center and offer options for substantive resolution of the complaint.

If the response by [name of ADA Coordinator] or [his/her designee] does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within [XX] calendar days after receipt of the response to [Center Manager] or [his/her designee].

Within [XX] calendar days after receipt of the appeal, [Center Manager] or [his/her designee] will meet with the complainant to discuss the complaint and possible resolutions. Within [XX] calendar days after the meeting, [Center Manager] or [his/her designee] will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by [name of ADA Coordinator] or [his/her designee], appeals to [Center Manager] or [his/her designee], and responses from these two offices will be retained by Arapahoe/Douglas Works! Workforce Center County for at least three years.

**POLICY TEMPLATE 4**  
**THE AMERICANS WITH DISABILITIES ACT (ADA) CONTRACTORS, LICENSING, and CERTIFICATION**  
**POLICY (§35.130(b))**

Arapahoe/Douglas Works! Workforce Center of [State] will not directly or through contractual or other arrangements, utilize criteria or methods of administration:

- i. That have the effect of subjecting qualified individuals with disabilities to discrimination on the basis of disability;
- ii. That have the purpose or effect of defeating or substantially impairing accomplishment of the objectives of Arapahoe/Douglas Works! Workforce Center program with respect to individuals with disabilities; or
- iii. That perpetuate the discrimination of another public entity if both Arapahoe/Douglas Works! Workforce Center and the other entity are subject to common administrative control or both are agents of the State of Colorado.

Arapahoe/Douglas Works! Workforce Center, in the selection of procurement contractors, may not use criteria that subject qualified individuals with disabilities to discrimination on the basis of disability.

Arapahoe/Douglas Works! Workforce Center will not administer a licensing or certification program in a manner that subjects qualified individuals with disabilities to discrimination on the basis of disability, nor will Arapahoe/Douglas Works! Workforce Center establish requirements for the programs or activities of licensees or certified entities that subject qualified individuals with disabilities to discrimination on the basis of disability. The programs or activities of entities that are licensed or certified by Arapahoe/Douglas Works! Workforce Center are not, themselves, covered by this part.

## POLICY TEMPLATE 5

### THE AMERICANS WITH DISABILITIES ACT (ADA) REASONABLE MODIFICATION POLICY (§35.130(b)(7))

It is the policy of Arapahoe/Douglas Works! Workforce Center of [State] to make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability.

Requests for modifications in policies, practices, or procedures will be granted unless Arapahoe/Douglas Works! Workforce Center can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity.

Arapahoe/Douglas Works! Workforce Center is not required to provide a reasonable modification to an individual who meets the definition of "disability" solely under the "regarded as" prong of the definition of disability. Nothing in the Americans with Disabilities Act Part 35 regulations provides the basis for a claim that an individual without a disability was subject to discrimination because of a lack of disability, including a claim that an individual with a disability was granted a reasonable modification that was denied to an individual without a disability.

Arapahoe/Douglas Works! Workforce Center may impose legitimate safety requirements necessary for the safe operation of its services, programs, or activities. However, Arapahoe/Douglas Works! Workforce Center will ensure that its safety requirements are based on actual risks, not on mere speculation, stereotypes, or generalizations about individuals with disabilities.

ADA Part 35 regulations do not require Arapahoe/Douglas Works! Workforce Center to provide to individuals with disabilities personal devices, such as wheelchairs; individually prescribed devices, such as prescription eyeglasses or hearing aids; readers for personal use or study; or services of a personal nature including assistance in eating, toileting, or dressing.

## POLICY TEMPLATE 6

### THE AMERICANS WITH DISABILITIES ACT (ADA) SERVICE ANIMAL POLICY (§35.136)

It is the policy of Arapahoe/Douglas Works! Workforce Center County of [State] to ensure that individuals with disabilities may be accompanied by their service animals wherever members of the public may go.

The U.S. Department of Justice enforces title II of the ADA and the associated regulations and standards that apply to state and local governments. Under the ADA, service animals are dogs that are individually trained to do work or perform tasks for people with disabilities. Arapahoe/Douglas Works! Workforce Center welcomes persons with disabilities who are accompanied by service animals in all of our buildings, programs and activities. No identification or special tags are required. Service animals must be harnessed or leashed unless those devices would interfere with the work the service animal performs. In cases where the service animal is not leashed or harnessed, the handler must have the service animal under voice or signal control. If a service animal becomes disruptive, a County staff person may ask that the service animal be removed. Arapahoe/Douglas Works! Workforce Center will consider making a reasonable modification to this policy to permit the use of miniature horses, as a service animal, on a case-by-case basis. The County's ADA coordinator should be contacted to discuss this.

Service animals are defined as dogs that are individually trained to do work or perform tasks for people with disabilities. *Examples of such work or tasks include guiding people who are blind, alerting people who are deaf, pulling a wheelchair, alerting and protecting a person who is having a seizure, reminding a person with mental illness to take prescribed medications, calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack, or performing other duties. Service animals are working animals, not pets. The work or task a dog has been trained to provide must be directly related to the person's disability.* Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA.

#### **Where Service Animals Are Allowed**

Under the ADA, Arapahoe/Douglas Works! Workforce Center generally must allow service animals to accompany people with disabilities in all areas of the facility where the public is normally allowed to go. *For example, in a hospital it would be inappropriate to exclude a service animal from areas such as patient rooms, clinics, cafeterias, or examination rooms. However, it may be appropriate to exclude a service animal from operating rooms or burn units where the animal's presence may compromise a sterile environment.*

#### **Service Animals Must Be Under Control**

Under the ADA, service animals must be harnessed, leashed, or tethered, unless these devices interfere with the service animal's work or the individual's disability prevents using these devices. In that case, the individual must maintain control of the animal through voice, signal, or other effective controls.

#### **Inquiries, Exclusions, Charges, and Other Specific Rules Related to Service Animals**

- When it is not obvious what service an animal provides, only limited inquiries are allowed. Staff may ask two questions: (1) is the dog a service animal required because of a disability, and (2) what work or task has the dog been trained to perform. Staff cannot ask about the person's disability, require medical documentation, require a special identification card or training documentation for the dog, or ask that the dog demonstrate its ability to perform the work or task.
- Allergies and fear of dogs are not valid reasons for denying access or refusing service to people using service animals. *When a person who is allergic to dog dander and a person who uses a service animal must spend time in the same room or facility, for example, in a school classroom or at a homeless shelter, they both should be accommodated by assigning them, if possible, to different locations within the room or different rooms in the facility.*

- A person with a disability cannot be asked to remove her service animal from the premises unless: (1) the dog is out of control and the handler does not take effective action to control it or (2) the dog is not housebroken. When there is a legitimate reason to ask that a service animal be removed, staff must offer the person with the disability the opportunity to obtain goods or services without the animal's presence.
- Establishments that sell or prepare food must allow service animals in public areas even if state or local health codes prohibit animals on the premises.
- People with disabilities who use service animals cannot be isolated from other patrons, treated less favorably than other patrons, or charged fees that are not charged to other patrons without animals. In addition, if a program or agency requires a deposit or fee to be paid by patrons with pets, it must waive the charge for service animals.
- If a program or agency normally charges patrons for damage that they cause, a customer with a disability may also be charged for damage caused by himself or his service animal.
- Staff are not required to provide care or food for a service animal.

## POLICY TEMPLATE 7

### THE AMERICANS WITH DISABILITIES ACT (ADA) MOBILITY DEVICE POLICY (§35.137)

It is the policy of Arapahoe/Douglas Works! Workforce Center of [State] to 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.

Arapahoe/Douglas Works! Workforce Center will 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 Arapahoe/Douglas Works! Workforce Center can demonstrate that the class of other power-driven mobility devices cannot be operated in accordance with legitimate safety requirements adopted by Arapahoe/Douglas Works! Workforce Center. Arapahoe/Douglas Works! Workforce Center will ensure that its safety requirements are based on actual risks, not on mere speculation, stereotypes, or generalizations about individuals with disabilities. The operation of other power-driven mobility devices in a manner or in a facility where such operation violates Arapahoe/Douglas Works! Workforce Center legitimate safety requirements would fundamentally alter the nature of the program.

In determining whether a particular other power-driven mobility device can be allowed in a specific facility, as a reasonable modification, Arapahoe/Douglas Works! Workforce Center will apply the following assessment factors:

- i. The type, size, weight, dimensions, and speed of the device;
- ii. The facility's volume of pedestrian traffic (which may vary at different times of the day, week, month, or year);
- iii. The facility's design and operational characteristics (e.g., whether its service, program, or activity is conducted indoors, its square footage, the density and placement of stationary devices, and the availability of storage for the device, if requested by the user);
- iv. Whether legitimate safety requirements can be established to permit the safe operation of the other power-driven mobility device in the specific facility; and
- v. Whether the use of the other power-driven mobility device creates a substantial risk of serious harm to the immediate environment or natural or cultural resources, or poses a conflict with Federal land management laws and regulations.

Arapahoe/Douglas Works! Workforce Center employees will not ask an individual using a wheelchair or other power-driven mobility device questions about the nature and extent of the individual's disability.

However, Arapahoe/Douglas Works! Workforce Center employees may make inquiries into use of other power-driven mobility devices. Arapahoe/Douglas Works! Workforce Center employees may ask a person using another power-driven mobility device to provide a credible assurance that the mobility device is required because of the person's disability. Arapahoe/Douglas Works! Workforce Center, when permitting the use of an other power-driven mobility device by an individual with a mobility disability, will accept the presentation of a valid, State-issued, disability parking placard or card, or other State-issued proof of disability as a credible assurance that the use of the other power-driven mobility device is for the individual's mobility disability. In lieu of a valid, State-issued disability parking placard or card, or State-issued proof of disability, Arapahoe/Douglas Works! Workforce Center will accept as a credible assurance a verbal representation, not contradicted by observable fact, that the other power-driven mobility device is being used for a mobility disability. A "valid" disability placard or card is one that is presented by the individual to whom it was issued and is otherwise in compliance with the State of issuance's requirements for disability placards or cards.



## POLICY TEMPLATE 8

### THE AMERICANS WITH DISABILITIES ACT (ADA) EQUAL EMPLOYMENT POLICY (§35.140)

Arapahoe/Douglas Works! Workforce Center of [State] will provide equal employment opportunities for individuals with disabilities.

Arapahoe/Douglas Works! Workforce Center will not discriminate on the basis of disability against a qualified individual in regard to:

- (i) Recruitment, advertising, and job application procedures;
- (ii) Hiring, upgrading, promotion, award of tenure, demotion, transfer, layoff, termination, right of return from layoff, and rehiring;
- (iii) Rates of pay or any other form of compensation and changes in compensation;
- (iv) Job assignments, job classifications, organizational structures, position descriptions, lines of progression, and seniority lists;
- (v) Leaves of absence, sick leave, or any other leave;
- (vi) Fringe benefits available by virtue of employment, whether or not administered by Arapahoe/Douglas Works! Workforce Center;
- (vii) Selection and financial support for training, including: apprenticeships, professional meetings, conferences and other related activities, and selection for leaves of absence to pursue training;
- (viii) Activities sponsored by Arapahoe/Douglas Works! Workforce Center, including social and recreational programs; and
- (ix) Any other term, condition, or privilege of employment.

#### Prohibited Discrimination

For purposes of this policy, the term discrimination includes, but is not limited to, the following actions:

i. Segregation, or classification of a job applicant or employee in a way that adversely affects his or her employment opportunities or status on the basis of disability.

ii. Participation in a contractual or other arrangement or relationship that has the effect of subjecting Arapahoe/Douglas Works! Workforce Center own qualified applicant or employee with a disability to the discrimination prohibited by this Americans with Disabilities title I regulations. The phrase contractual or other arrangement or relationship includes, but is not limited to, a relationship with an employment or referral agency; labor union, including collective bargaining agreements; an organization providing fringe benefits to an employee of Arapahoe/Douglas Works! Workforce Center; or an organization providing training and apprenticeship programs. This section applies to Arapahoe/Douglas Works! Workforce Center, with respect to its own applicants or employees, whether the County offered the contract or initiated the relationship, or whether the County accepted the contract or acceded to the relationship. Arapahoe/Douglas Works! Workforce Center is not liable for the actions of the other party or parties to the contract which only affect that other party's employees or applicants.

iii. Arapahoe/Douglas Works! Workforce Center will not use standards, criteria, or methods of administration, which are not job-related and consistent with business necessity, and:

- (a) That have the effect of discriminating on the basis of disability; or
- (b) That perpetuate the discrimination of others who are subject to common administrative control.

iv. Arapahoe/Douglas Works! Workforce Center will not exclude or deny equal jobs or benefits to, or otherwise discriminate against, a qualified individual because of the known disability of an individual with whom the qualified individual is known to have a family, business, social or other relationship or association.

v. Arapahoe/Douglas Works! Workforce Center will make reasonable accommodation to the known physical or mental limitations of an otherwise qualified applicant or employee with a disability, consistent with the Arapahoe/Douglas Works! Workforce Center *ADA Reasonable Accommodation Policy*.

vi. Arapahoe/Douglas Works! Workforce Center will not use qualification standards, employment tests or other selection criteria that screen out or tend to screen out an individual with a disability or a class of individuals with disabilities, on the basis of disability, unless the standard, test, or other selection criteria, as used by Arapahoe/Douglas Works! Workforce Center is shown to be job related for the position in question and is consistent with business necessity.

vii. Arapahoe/Douglas Works! Workforce Center will not use qualification standards, employment tests, or other selection criteria based on an individual's uncorrected vision, unless the standard, test, or other selection criterion, as used by Arapahoe/Douglas Works! Workforce Center, is shown to be job related for the position in question and is consistent with business necessity. An individual challenging Arapahoe/Douglas Works! Workforce Center's application of a qualification standard, test, or other criterion based on uncorrected vision need not be a person with a disability, but must be adversely affected by the application of the standard, test, or other criterion.

viii. Arapahoe/Douglas Works! Workforce Center will select and administer tests concerning employment in the most effective manner to ensure that, when a test is administered to a job applicant or employee who has a disability that impairs sensory, manual or speaking skills, the test results accurately reflect the skills, aptitude, or whatever other factor of the applicant or employee that the test purports to measure, rather than reflecting the impaired sensory, manual, or speaking skills of such employee or applicant (except where such skills are the factors that the test purports to measure).

ix. Arapahoe/Douglas Works! Workforce Center will not discriminate against any individual because that individual has opposed any act or practice made unlawful by the Americans with Disabilities Act title I regulations or because that individual made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing to enforce any provision contained in the Americans with Disabilities Act title I regulations.

x. Arapahoe/Douglas Works! Workforce Center will not coerce, intimidate, threaten, harass or interfere with any individual in the exercise or enjoyment of, or because that individual aided or encouraged any other individual in the exercise of, any right granted or protected by the Americans with Disabilities Act title I regulations.

xi. Arapahoe/Douglas Works! Workforce Center will not allow its employees to coerce, intimidate, threaten, or harass any employee or applicant with a disability.

xii. Arapahoe/Douglas Works! Workforce Center will not, except as permitted by EEOC regulation [§1630.14](#), conduct a medical examination of an applicant or make inquiries as to whether an applicant is an individual with a disability or as to the nature or severity of such disability.

xiii. Arapahoe/Douglas Works! Workforce Center will not, except as permitted by EEOC regulation [§1630.14](#), require a medical examination of an employee or make inquiries as to whether an employee is an individual with a disability or as to the nature or severity of such disability.

## **Effective Communication**

Arapahoe/Douglas Works! Workforce Center will ensure that communication with applicants and employees who are deaf, hard of hearing, blind, low-vision, or have impaired speaking skills is as effective as communication with other applicants and employees. To achieve effective

communication, Arapahoe/Douglas Works! Workforce Center will provide auxiliary aids and services consistent with the Arapahoe/Douglas Works! Workforce Center *ADA Effective Communication Policy*.

## **Applicants**

Arapahoe/Douglas Works! Workforce Center may make pre-employment inquiries into the ability of an applicant to perform job-related functions, and/or may ask an applicant to describe or to demonstrate how, with or without reasonable accommodation, the applicant will be able to perform job-related functions.

Arapahoe/Douglas Works! Workforce Center may require a medical examination (and/or inquiry) after making an offer of employment to a job applicant and before the applicant begins his or her employment duties, and may condition an offer of employment on the results of such examination (and/or inquiry), if all entering employees in the same job category are subjected to such an examination (and/or inquiry) regardless of disability. Arapahoe/Douglas Works! Workforce Center will collect and maintain on separate forms and in separate medical files and treat as a confidential medical record any information obtained resulting from such medical examination (and/or inquiry), regarding the medical condition or history of the applicant, except that:

(i) Supervisors and managers may be informed regarding necessary restrictions on the work or duties of the employee and necessary accommodations;

(ii) First aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment; and

(iii) Government officials investigating compliance with this part will be provided relevant information on request.

Arapahoe/Douglas Works! Workforce Center will not use the results of such examinations for any purpose inconsistent with the Americans with Disabilities Act title I regulations.

## **Employees**

Arapahoe/Douglas Works! Workforce Center may conduct medical examinations in accordance with the above section (*Prohibited Discrimination, xiii.*) that are not job-related and consistent with business necessity. However, if Arapahoe/Douglas Works! Workforce Center uses certain criteria to screen out an employee or employees with disabilities as a result of such an examination or inquiry, the exclusionary criteria must be job-related and consistent with business necessity, and performance of the essential job functions cannot be accomplished with reasonable accommodation as required by the Americans with Disabilities Act title I regulations.

Arapahoe/Douglas Works! Workforce Center may require a medical examination (and/or inquiry) of an employee that is job-related and consistent with business necessity. Arapahoe/Douglas Works! Workforce Center may make inquiries into the ability of an employee to perform job-related functions.

Arapahoe/Douglas Works! Workforce Center will collect and maintain on separate forms and in separate medical files and treat as a confidential medical record any information obtained under the previous sections, regarding the medical condition or history of any employee, except that:

(i) Supervisors and managers may be informed regarding necessary restrictions on the work or duties of the employee and necessary accommodations;

(ii) First aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment; and

(iii) Government officials investigating compliance with this part shall be provided relevant information on request.

Arapahoe/Douglas Works! Workforce Center will not use information regarding the medical condition or history of any employee for any purpose inconsistent with the Americans with Disabilities Act title I regulations.

Arapahoe/Douglas Works! Workforce Center may conduct voluntary medical examinations and activities, including voluntary medical histories, which are part of an employee health program available to employees at the work site.

## POLICY TEMPLATE 9

### THE AMERICANS WITH DISABILITIES ACT (ADA) REASONABLE ACCOMMODATION POLICY (§1630.9)

Arapahoe/Douglas Works! Workforce Center of [State] will make reasonable accommodation to the known physical or mental limitations of an otherwise qualified applicant or employee with a disability, unless Arapahoe/Douglas Works! Workforce Center can demonstrate that the accommodation would impose an undue hardship on the operation of Arapahoe/Douglas Works! Workforce Center's business

Arapahoe/Douglas Works! Workforce Center will not deny employment opportunities to an otherwise qualified job applicant or employee with a disability based on the need of the County to make reasonable accommodation to such individual's physical or mental impairments.

Americans with Disabilities Act title I regulations do not require an individual with a disability to accept an accommodation, aid, service, opportunity or benefit which such qualified individual chooses not to accept. However, Americans with Disabilities Act title I regulations do not require Arapahoe/Douglas Works! Workforce Center to consider to be qualified, an individual who rejects a reasonable accommodation, aid, service, opportunity or benefit that is necessary to enable the individual to perform the essential functions of the position held or desired, and who cannot, as a result of that rejection, perform the essential functions of the position.

Arapahoe/Douglas Works! Workforce Center, absent undue hardship, will provide a reasonable accommodation to an otherwise qualified individual who meets the definition of disability under the Americans with Disabilities Act title I regulations' "actual disability" prong, or "record of" prong. Arapahoe/Douglas Works! Workforce Center will not provide a reasonable accommodation to an individual who meets the definition of disability solely under the Americans with Disabilities Act title I regulations' "regarded as" prong.

Arapahoe/Douglas Works! Workforce Center will, upon the request of a qualified individual who is known to have, or who discloses, a disability (as defined by the Americans with Disabilities Act title I regulations, [§1630.2 Definitions](#)), enter into an interactive process to identify an appropriate reasonable accommodation for that individual. An appropriate reasonable accommodation will overcome a qualified individual's limitations, making it possible for the individual to perform the essential job functions of their position. An appropriate reasonable accommodation will not impose an undue hardship on the operation of Arapahoe/Douglas Works! Workforce Center's business, cause a direct threat to members of the public or other Arapahoe/Douglas Works! Workforce Center employees, or violate legitimate safety requirements.

## THE AMERICANS WITH DISABILITIES ACT (ADA) EFFECTIVE COMMUNICATION POLICY (§35.160)

It is the policy of Arapahoe/Douglas Works! Workforce Center of [State name] to ensure that communications with applicants, participants, members of the public, and companions with disabilities are as effective as communications are with others.

Arapahoe/Douglas Works! Workforce Center, through its agencies, will furnish appropriate auxiliary aids and services where necessary to afford qualified individuals with disabilities, including applicants, participants, members of the public, and companions an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity conducted by the County.

The type of auxiliary aid or service necessary to ensure effective communication will vary in accordance with the method of communication involved; and the context in which the communication is taking place. In order to be effective, auxiliary aids and services will be provided in accessible formats, in a timely manner, and in such a way as to protect the privacy and independence of the individual with a disability.

Auxiliary aids and services include:

(1) qualified interpreters on-site or through video remote interpreting (VRI) services, notetakers, real-time computer-aided transcription services, written materials, exchanges of written notes, telephone handset amplifiers, assistive listening devices, 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 (TTY's), video telephones, and captioned telephones, or equally effective telecommunications devices, videotext displays, accessible electronic and information technology, or other effective methods of making aurally delivered information available to individuals who are deaf or hard of hearing; and

(2) qualified readers; taped texts; audio recordings, Braille materials and displays, screen reader software, magnification software, optical readers, second auditory programs (SAP), large print materials, electronic and information technology, or other effective methods of making visually delivered materials available to individuals who are blind or have low vision.

When an auxiliary aid or service is requested, Arapahoe/Douglas Works! Workforce Center will give primary consideration to the choice expressed by the individual with disabilities. The County will honor the choice unless:

(1) it can show that another effective means of communication is available;

(2) it can show that the use of the means chosen would result in a fundamental alteration in the service, program, or activity; or

(3) it can show that the use of the means chosen would result in undue financial burden to the County

AN ARAPAHOE/DOUGLAS WORKS! WORKFORCE CENTER agency will consult with the individual with a disability to identify an effective manner of communication that can be achieved with the individual in the context of the agency's program, service or activity. The County will not require an individual with a disability to bring another individual to interpret for him or her.

Arapahoe/Douglas Works! Workforce Center will not require an adult accompanying an individual with a disability to interpret or facilitate communication except -

(1) In an emergency involving imminent threat to the safety or welfare of an individual or the public where there is no interpreter available; or

(2) Where the individual with a disability specifically requests that the accompanying adult interpret or facilitate communication, the accompanying adult agrees to provide such assistance, and reliance on the adult for assistance is appropriate under the circumstances

Arapahoe/Douglas Works! Workforce Center will not rely on a minor child to interpret or facilitate communications, except in an emergency involving an imminent threat to the safety or welfare of an individual or the public where there is no interpreter available.

When Arapahoe/Douglas Works! Workforce Center uses an automated-attendant system, including, but not limited to, voice mail and messaging, or an interactive voice response system, for receiving and directing incoming telephone calls, that system must provide effective real-time communication with individuals using auxiliary aids and services, including TTY's and all forms of FCC-approved telecommunications relay systems, including Internet-based relay systems.

Arapahoe/Douglas Works! Workforce Center will respond to telephone calls from a telecommunications relay service established under title IV of the ADA in the same manner that it responds to other telephone calls.

## POLICY TEMPLATE 11

### THE AMERICANS WITH DISABILITIES ACT (ADA) TRANSPORTATION ACCESS POLICY (§37.5)

**(This policy only applies to workforce centers that provide transportation services.)**

Arapahoe/Douglas Works! Workforce Center of [State] will not discriminate against an individual with a disability in connection with the provision of transportation service.

Notwithstanding the provision of any special transportation service to individuals with disabilities, Arapahoe/Douglas Works! Workforce Center will not, on the basis of disability, deny to any individual with a disability the opportunity to use Arapahoe/Douglas Works! Workforce Center transportation service for the general public, if the individual is capable of using that service. This applies to transportation that is provided as a benefit or condition of participation in any service, program, or activity of Arapahoe/Douglas Works! Workforce Center.

Arapahoe/Douglas Works! Workforce Center will not require an individual with a disability to use designated priority seats, if the individual does not choose to use these seats.

Arapahoe/Douglas Works! Workforce Center will not impose special charges on individuals with disabilities, including individuals who use wheelchairs, for providing services required by this U.S. Department of Transportation title II, Subpart B regulations or otherwise necessary to accommodate them.

Arapahoe/Douglas Works! Workforce Center will not require that an individual with disabilities be accompanied by an attendant.

Arapahoe/Douglas Works! Workforce Center will not refuse to serve an individual with a disability or require anything contrary to this U.S. Department of Transportation title II, Subpart B regulations because its insurance company conditions coverage or rates on the absence of individuals with disabilities or requirements contrary to U.S. Department of Transportation title II, Subpart B regulations.

It is not discrimination under U.S. Department of Transportation title II, Subpart B regulations for Arapahoe/Douglas Works! Workforce Center to refuse to provide service to an individual with disabilities because that individual engages in violent, seriously disruptive, or illegal conduct, or represents a direct threat to the health or safety of others. However, Arapahoe/Douglas Works! Workforce Center will not refuse to provide service to an individual with disabilities solely because the individual's disability results in appearance or involuntary behavior that may offend, annoy, or inconvenience employees of Arapahoe/Douglas Works! Workforce Center or other persons.

Arapahoe/Douglas Works! Workforce Center, in the event that it provides any designated public transportation will make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability or to provide program accessibility to their services, subject to the limitations of U.S. Department of Transportation title II, Subpart B regulations [§37.169(c)(1)-(3)].

In choosing among alternatives for meeting nondiscrimination and accessibility requirements with respect to new, altered, or existing facilities, or designated transportation services, Arapahoe/Douglas Works! Workforce Center will give priority to those methods that offer services, programs, and activities to qualified individuals with disabilities in the most integrated setting appropriate to the needs of individuals with disabilities.



## POLICY TEMPLATE 12

### THE AMERICANS WITH DISABILITIES ACT (ADA) EMERGENCY MANAGEMENT PLAN DEVELOPMENT

Arapahoe/Douglas Works! Workforce Center of [State] will not discriminate against an individual with a disability in connection with participation in services and activities provided in the development, implementation, and execution of the Arapahoe/Douglas Works! Workforce Center emergency management plan. Arapahoe/Douglas Works! Workforce Center will ensure that in every aspect, facet, and feature its emergency management plan will give consideration to any potential barriers that might exclude or limit the opportunity for people with disabilities to participate in and benefit from the Arapahoe/Douglas Works! Workforce Center emergency management plan. This policy extends to any and all public or private entities and organizations in conjunction with the Arapahoe/Douglas Works! Workforce Center managed response to emergent situations.

Arapahoe/Douglas Works! Workforce Center recognizes that emergency management is wide-ranging. It includes all programs, services, and activities related to emergencies and disasters, including, but not limited to the following:

- Preparation – advance planning for emergencies and disasters;
- Testing of Preparedness – staging emergency simulations and other approaches to testing the effectiveness of emergency preparedness;
- Notification – alerting the public to emergencies and disasters and to available programs, services, and activities;
- Ensuring the functional operation of reverse 9-1-1, including texting capacity, and captioned warning announcements on television and websites;
- Provision for auxiliary aids and services necessary for effective communication at all planned emergency shelters;
- Community Evacuation and Transportation;
- Emergency Shelter Programs;
- Temporary Lodging and Housing;
- Social Services and Emergency- and Disaster-Related Benefit Programs;
- Emergency Medical Care and Services;
- Emergency food, water, and medical supplies;
- Relocation Programs, Activities, and Services;
- Transition and Transportation Back to the Community Following an Emergency or Disaster;
- Emergency and Disaster Recovery Programs, Services, and Activities; and
- Remediation of Damage Caused by Emergencies and Disasters– repairing and rebuilding damaged facilities, removing debris, and relocation and reintroduction of state and local government programs, services, and activities following an emergency or disaster.

Arapahoe/Douglas Works! Workforce Center **may** create a voluntary registry for citizens requiring special assistance because of age or disability, during an emergency. Arapahoe/Douglas Works! Workforce Center **may** include in its plans to provide the necessary capacity to transport, shelter, and provide any other necessary services for this population. **(However, the emergency management plan must demonstrate that the needs of customers, visitors, and staff with disabilities will be taken into consideration by the workforce center in the event of an emergency.)**