



## ADMINISTRATIVE POLICY

POLICY NUMBER  
2.06

<b>TITLE:</b>	Policy on Program Accessibility and Services to Individuals with Disabilities
<b>RESPONSIBLE OFFICE:</b>	Bureau of Human Resource Management/Office for Civil Rights
<b>EFFECTIVE DATE:</b>	May 15, 2013

### I. PURPOSE/SCOPE

To provide information and guidance to all DEO employees, including OPS, volunteers, applicants for employment, and customers, to assure compliance with applicable federal and state nondiscrimination laws and regulations regarding individuals with disabilities.

### II. SUMMARY/INTRODUCTION

The Department provides an equal opportunity in employment for qualified individuals with disabilities, including promotional opportunities and training, allowing for a reasonable accommodation when appropriate. The Department also ensures that qualified individuals with disabilities have full and equal access to the services provided by the Department and will assist all offices in achieving and maintaining both program and physical accessibility.

### III. REVISION INFORMATION

N/A

### IV. AUTHORITY

Section 188 of the Workforce Investment Act of 1998 (WIA)  
 29 CFR Part 31, U. S. Department of Labor Regulations Implementing Title VI of the Civil Rights Act of 1964, as amended  
 29 CFR Part 32, Subparts A, B, C, D and E, and Appendix A, of the Department's Regulations Implementing Section 504 of the Rehabilitation Act of 1973, as amended  
 Title VI and Title VII of the Civil Rights Act of 1964, as amended  
 Presidential Executive Order 11246, as amended  
 Sections 503 and 504 of the Rehabilitation Act of 1973, as amended  
 Americans with Disabilities Act of 1990 (ADA), as amended

Sections 110.105, 110.112, 112.043-112.044, 553.501-553.514 and 760.01-760.11, Florida Statutes  
Rules 60Y-5 and 60L-33.007, Florida Administrative Code

## V. DEFINITIONS

- A. Department – the Department of Economic Opportunity.
- B. Customer – an individual seeking the assistance of or receiving services from the Department and who is not an employee or volunteer of the Department.
- C. Discrimination – unlawful treatment on the grounds of race, color, religion, sex, national origin, age, disability, marital status, genetic information, or political affiliation or belief.
- D. Individual with a Disability – a person who has a physical or mental impairment that substantially limits one or more of a person’s major life activities; an individual with a record of such an impairment; or an individual who is regarded as having such an impairment.
- E. OCR – the Office for Civil Rights for the Department of Economic Opportunity.
- F. Qualified Individual with a Disability – an individual with a disability who, with or without a reasonable accommodation, can perform the essential functions of the employment position that such an individual holds or desires.
- G. Reasonable Accommodation – a modification to job requirements or to a physical structure that the Department can make in order to promote the ability of an individual with a disability to be successful in a job. Reasonableness is determined on a case-by-case basis, considering such factors as the position requirements and the feasibility and cost of a modification.

## VI. PROCEDURES/POLICY

- A. Dissemination of Policy – The Department’s policy is posted and the information is disseminated to applicants for services and/or employment, Department employees, supervisors and management personnel by the following means:
  - 1. A copy of the *Policy Statement on Nondiscrimination* is part of the information provided to employees at the time of initial hire.
  - 2. A copy of the *Policy Statement on Nondiscrimination* and other Department policies are available on the Department’s intranet.
  - 3. Department personnel involved in recruitment, screening, selection, promotion, and other employment-related processes are informed of the Department’s

commitment to nondiscrimination and equal access through written communication, training, and/or a program's provided descriptions.

- B. The Department reviews its employee selection procedures and practices to ensure compliance with nondiscrimination and equal opportunity regulations. The Department also provides reasonable accommodations for a known physical or mental limitation of an otherwise qualified applicant for employment, upon proper request. The OCR emphasizes the need for applicants for vacant positions to be evaluated according to uniform, consistently applied, selection procedures that are objective, valid, and reliable in accordance with the U.S. Equal Employment Opportunity Commission's *Uniform Selection Guidelines* (29 CFR part 1607).
- C. Strategies available to the Department to assist individuals with disabilities to become employed and/or to retain their employment, consistent with the mission of the Department and the Department of Management Services Personnel Rules, may include the following:
1. Shared work week (scheduling)
  2. Trainee appointments
  3. Modified job specifications
  4. Work station modification
  5. Job restructuring, to remove nonessential job duties
- D. It is federal and state policy that retaliation against an individual because such person has, in good faith, opposed any offense involving a violation of this policy, made a charge or testified, assisted or participated in any manner in an investigation, proceeding, or hearing involving an alleged violation of this policy, shall be prohibited. An individual who feels he or she has been subjected to retaliatory actions following the filing of a discrimination complaint may file an additional complaint alleging retaliation.
- E. Employees or applicants for employment who wish to submit a request for a reasonable accommodation should do so using the "Reasonable Accommodation Request Form," which is available by contacting the OCR by telephone, in writing, or email (See Section VIII, Resources). This form may be submitted to either the OCR or to the Bureau of Human Resource Management. Any employee who requests a reasonable accommodation will be asked to authorize the Department to obtain relevant medical records and information from any and all treating physicians, as necessary, to determine the most effective accommodation. The Department will

provide a written response to the employee or applicant for employment within a reasonable time period.

Customers who wish to submit a request for a reasonable accommodation should do so through the Regional Workforce Board. The Regional Workforce Board may contact the OCR or the Bureau of Human Resource Management with any questions regarding such requests by customers.

#### F. Responsibilities

1. Employees: It is the responsibility of all Department employees to be aware of this Department policy and to comply with it.
2. Managers and Supervisors: It is the responsibility of all Department managers and supervisors to respond promptly and appropriately and to report an allegation of discrimination brought by a person under their area of responsibility. If a complaint is formally investigated, it is the supervisor's responsibility to cooperate and assist in the completion of the investigation as necessary.
3. Vendors: It is a requirement of all vendors that contract with the Department to comply with all provisions of state and federal nondiscrimination laws and with state contracting policies and guidelines.

G. Complaint Procedures – Any Department employee, applicant for employment or customer, who believes that he or she has been discriminated against, may request that the issues be mediated by or may file a formal complaint of discrimination with the OCR within 180 days of the action causing the complaint. The "Discrimination Complaint Form" is available on the Department's website, or may be requested by mail, email or telephone from the OCR. The completed complaint form must be forwarded to either the mailing or email address on the form. Anonymous complaints that cannot be verified or clarified may not be accepted for formal investigation. An internal investigation of the charges will be conducted in accordance with the Department's discrimination complaint procedures.

Individuals who do not wish to file a complaint regarding employment discrimination with the Department may have the option of filing with the U.S. Equal Employment Opportunity Commission (EEOC) or the Florida Commission on Human Relations (FCHR). If the allegation of discrimination involves a program or activity of the Department that receives federal financial assistance under the Workforce Investment Act of 1998 (WIA), an individual may also file a complaint with the Civil Rights Center (CRC) of the U.S. Department of Labor in Washington, D.C. Contact information for the EEOC, FCHR, and CRC is available from the OCR by phone or by email. The filing of a complaint pursuant to Department procedure, regardless of disposition, shall not preclude an individual from also filing a complaint with the FCHR, EEOC, or CRC.

## **VII. FORMS/ATTACHMENTS**

None

## **VIII. RESOURCES**

- **Office for Civil Rights**

Department of Economic Opportunity

107 East Madison Street, MSC 150

Tallahassee, Florida 32399-4129

Telephone: (850) 921-3205

Via the Florida Relay Service (TTY): 711

Email address: [Civil.Rights@deo.myflorida.com](mailto:Civil.Rights@deo.myflorida.com)

- **Bureau of Human Resource Management**

Telephone: (850) 245-7165