

ELEMENT FIVE

Compliance with Section 504 of the Rehabilitation Act of 1973, as amended and CFR Part 37.7, 37.8, and 37.9.

Reference: 29 CFR Part 37.54(d)(2)(v)

Statement of Commitment

The South Dakota Department of Labor and Regulation (SDDLRL), as the recipient of Workforce Investment Act Title I funding, is committed to nondiscrimination on the basis of disability on its part and that of all sub-recipients.

This nondiscrimination commitment is founded on the Rehabilitation Act of 1973, as amended; the Workforce Investment Act of 1998; the Americans with Disabilities Act of 1990 and their implementing regulations.

Nondiscrimination Obligations

The state shall assure that programs funded in whole or in part by WIA Title I funding meet the following obligations:

- Recipients shall not discriminate on the basis of disability as described in 29 CFR 32.12 (a), 32.26 and 37.7;
- Recipients shall provide reasonable accommodation for individuals with disabilities as described in 29 CFR 32.13 and 37.8 in all aspects of the service, program or activity including the application process;
- Recipients shall provide reasonable modification of policies, practices and procedures when required in order to avoid discrimination on the basis of disability. Exceptions to this requirement may be made where such modifications would fundamentally alter the nature of the service, program or activity, 29 CFR 37.8;
- Recipients shall provide architectural accessibility for individuals with disabilities by occupying accessible facilities, structurally altering existing facilities or, if these methods are not feasible, providing the service, program or activity in an alternate accessible facility, 29 CFR 32.28;
- Recipients shall provide programmatic accessibility for persons with disabilities through the provision of services in alternate

- accessible facilities where the program is housed in non-accessible sites, 29 CFR 32.27;
- Recipients shall evaluate job qualifications to ensure that the qualifications do not discriminate on the basis of disability, 29 CFR 32.14;
- Recipients shall limit pre-employment and employment medical inquiries to those necessary for the operation of the program or service and permitted by Section 188 of the WIA, Section 504, the Americans with Disabilities Act and their implementing regulations, 29 CFR 32.15;
- Recipients shall ensure the confidentiality of medical information provided by registrants, applicants, eligible applicants/registrants, participants, employees and applicants for employment. Such information shall be kept in files separate from the individual's other records. Access shall be limited to only those with a legitimate need to access this information, 29 CFR 32.15
- Recipients shall assure that individuals with disabilities participate in the most integrated setting appropriate to the individual, 29 CFR 37.7 (d); and
- Recipients shall assure that communication with persons with disabilities is as effective as with others.

Each recipient shall complete a standard self-assessment and demonstrate implementation of corrective action as required.

Monitoring of recipients for compliance with accessibility provisions shall be the responsibility of the grant/contract administrator with the assistance of the state EO Officers.

The instrument used for evaluation of programmatic and architectural accessibility for field offices and other recipients is the ES/WIA/UI Local Office EO Assessment. Updated and/or final versions of this draft will be distributed to EO officers and local office managers for monitoring purposes.

The Americans with Disabilities Act Architectural Guidelines provide the state's accessibility standard. The state applies the new construction standard as appropriate for alterations to existing facilities. The South Dakota Bureau of Administration oversees all building code regulations for new and current state facilities, as well as leased properties. In all cases, the recipient will ensure program accessibility in the most integrated setting possible, and alter or renovate existing facilities when there is no other possible way of providing program accessibility.

The state will provide WIA disability training throughout the local offices and partner agencies through a variety of mechanisms. These mechanisms may include, but are not limited to:

- On-site visits to local offices throughout the year;
- The annual, statewide WIA training meeting;

- The annual, statewide TANF training meeting;
- In conjunction with partner agencies such as Vocational Rehabilitation, Career Learning Centers, the SCSEP grantee, and the Department of Social Services, among others. This collaborative effort will be made through local, regional, and statewide meetings with these partners and dissemination of EO materials throughout the year.

Documentation for Element Five

SD Bureau of Administration building information (submitted with original MOA)
ES/UI/WIA Local Office EO Assessments

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