

Equal Opportunity is the Law

It is against the law for this recipient of federal financial assistance to discriminate on the following bases:

- Against any individual in the United States, on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief; and
- Against any beneficiary of programs financially assisted under Title I of the Workforce Investment Act of 1998 (WIA) or any participant in any South Dakota Department of Labor (SDDOL) program or activity, on the basis of the beneficiary's citizenship /status as a lawfully admitted immigrant authorized to work in the United States.

The recipient must not discriminate in any of the following areas:

- Deciding who will be admitted, or have access, to any SDDOL program or activity;
- Providing opportunities in, or treating any person with regard to, such a program or activity; or
- Making employment decisions in the administration of, or in connection with, such a program or activity.

If you think you have been subjected to discrimination under a SDDOL financially assisted program or activity, you may file a complaint within 180 days from the date of the alleged violation with:

Andrew Szilvasi, ES EO Officer
andrew.szilvasi@state.sd.us

Dawn Williams, UI EO Officer
dawn.williams@state.sd.us
SD Department of Labor
420 S. Roosevelt Ave.
Aberdeen, SD 57401

or

Deb Halling, WIA EO Officer
deb.halling@state.sd.us
SD Department of Labor
700 Governors Drive
Pierre, SD 57501
605.773.3101

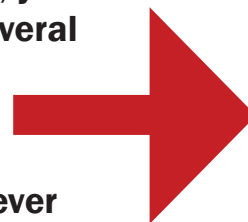
or

What to do
if you believe
you have
experienced
discrimination

Persons who are deaf, hard-of-hearing or speech-disabled may call Relay South Dakota at 711. If calling from outside South Dakota, call 800.877.1113. For Spanish language calls, use 877.981.9743.

After filing a complaint with the recipient, you should receive an answer, a written Notice of Final Action. If you do not receive the Notice or if you are dissatisfied with the decision or resolution, you may turn to the federal Civil Rights Center (CRC). There are several rules you will need to remember.

- You must wait either until the recipient issues a written Notice of Final Action, or until 90 days have passed (whichever is sooner), before filing with the CRC.
- If the recipient does not give you a written Notice of Final Action within 90 days of the day on which you filed your complaint, you do not have to wait for the recipient to issue a Notice before filing a complaint with the CRC. However, you must file your CRC complaint within 30 days of the 90-day deadline (in other words, within 120 days after the day on which you filed your complaint with the recipient).
- If the recipient gave you a written Notice of Final Action on your complaint, but you are dissatisfied, you may file a complaint with the CRC. You must file your CRC complaint within 30 days of the date on which you received the Notice of Final Action.



The Director
Civil Rights Center (CRC)
US Department of Labor
200 Constitution Avenue NW
Room N-4123
Washington, DC 20210

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department of labor
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Language Identification Card

As a Language Line Services customer you have access to over-the-phone interpretation 24 hours a day, 7 days a week. In face-to-face situations, this card will help you identify what language a person speaks. It lists languages commonly encountered in the United States and Canada, grouped by regions of the world.

- When face-to-face with a non-English speaker, make your best guess as to what part of the world he or she is from.
- Open the Language ID Card to that section and show the person the languages listed.
- The message underneath each language tells the non-English speaker to point to or identify his or her language and an interpreter will be called.

Sample:

00 **English** English Point to your language. An interpreter will be called.

- Call Language Line Services and select the language you need, following the instructions on the next panel of this card. In most cases, an interpreter is available within seconds.
- If you are unable to identify the language, say "help" and your call will be transferred to a live representative. The representative will initiate a language identification process.

Please note: Listing of languages within this card does not guarantee availability of interpreters in these languages. Language Line interprets from English into over 140 languages, only the most requested languages are listed here. This list is subject to change based upon demand.

rope

Albanian Tregoni me gisht gjuhën që flitni. Do të gjejmë një përkthyes për ju.	Shqip
Armenian Ցոյց տու՛ք ո՞ր սէկ լեզուն կը խօսուիք՝ դիմացի թարգմանիչ սը կանչել տու՛նք.	Հայերէն
Basque Zeure izkuntza atzamarragaz erakutzi. Euzkeratzail bateri deituko deutsagu.	Euzkera
Bulgarian Посочете Вашия език. Ние ще извикаме преводач за Вас.	Български език
Catalan Assenyali amb el dit el seu idioma. Es trucarà a un intèrpret.	Català
Croatian Molim Vas, pokažite nam Vaš jezik. Zvat ćemo tumača za Vas.	Hrvatski
Czech Ukažte, který je váš jazyk. Zavoláme tlumočnicka.	Česky
Danish Peg på dit sprog. En tolk vil blive tilkaldt.	Dansk
Dutch Wijs uw taal aan. Wij zullen u een tolk geven.	Nederlands
Estonian Näidake oma emakeelele. Me muretseme teile tõlgi.	Eesti Keel
Finnish Osoittakaa teidän kielenne. Tulkki kutsutaan auttamaan teitä.	Suomi
French Montrez-nous quelle langue vous parlez. Nous vous fournirons un/e interprète.	Français
German Zeigen Sie auf Ihre Sprache. Wir rufen einen Dolmetscher an.	Deutsch
Greek Δείξτε ποιά γλώσσα μιλάτε και θα κληθεί ένας διερμηνέας.	Ελληνικά
Hungarian Válassza ki az ön által beszélt nyelvet. Kapcsoljuk a tolmácsot.	Magyar

Pacific Islands

133 Icelandic Bentu á þitt tungumál. Það verður hringt í túlk.	Íslenska
59 Italian Faccia vedere qual è la sua lingua. Un interprete sarà chiamato.	Italiano
75 Lithuanian Parodyk tavo kalbamą kalbą. Vertėjas bus pakviestas.	Lietuvių Kalba
68 Macedonian Posočete molim Vaš jezik. Ke vikame prevodilac Vas da doide.	Makedonski
54 Norwegian Pek på ditt språk. En tolk vil bli tilkalt.	Norsk
62 Polish Proszę wskazać na swój język ojczysty. Tłumacz zostanie poproszony do telefonu.	Polski
61 Portuguese Aponte seu idioma. Providenciaremos um intérprete.	Português
66 Romanian Indicați limba pe care o vorbiți. Veți fi pus în legătură cu un interpret.	Românește
78 Russian Укажите, на каком языке Вы говорите. Сейчас Вам вызовут переводчика.	Русский Язык
148 Serbian Molim Vas, pokažite nam Vaš jezik. Zvaheмо тумача за Вас.	Српски
64 Slovak Ukážte na vašu reč. Zavoláme tlmočnicka.	Slovensky
60 Spanish Señale su idioma. Se llamará a un intérprete.	Español
53 Swedish Peka ut Ert språk. En tolk kommer att tillkallas.	Svenska
76 Ukrainian Покажіть, якою мовою ви говорите. Зараз викличуть вам перекладача.	Українська Мова
135 Yiddish ווייזט אן אויף איינער שפראך. מע וועט אנקלינגען אן איבערזעצער.	יידיש

120 Akalan Ituro mo ro atong hamba. Magtawag kami et mag-interprete.	Akalanon
127 Fijian Dusia na nomu vosa. Ena qai kacivi edua mi vakavaka dewa.	Kaiviti
113 Ilocano Itudom iti saom. Umayab kam iti interprete.	Ilokano
50 Indonesian Tunjukkan bahasamu. Jurubahasa akan disediakan.	Bahasa Indonesia
51 Malay Tunjukkan yang mana bahasa anda. Seorang jurubahasa akan diberitahu.	Bahasa Malaysia
126 Samoan Tusi lou 'a'ao i lau gagana. O le a vala'auina se tasi e fa'amatala 'upu mo 'oe.	Gagana Samoa
117 Tagalog Pakituro' mo nga ang iyong wika. Magpapatawag ako ng interprete.	Tagalog
128 Tongan Tuhu kihe lea 'oku ke lea 'aki. 'E fetu'utaki kihe fakatonulea.	Tonga

India, Pakistan, and Southwest Asia

84 Bengali আপনি কোন ভাষায় কথা বলেন - জানান। আপনার সেবার জন্য একজন অনুবাদক আসবেন।	বাংলা
85 Bhojpuri तुआके मातृभासा का बा ? रोआलेल एगो दुभाषिया बोलादेत जाईत।	भोजपुरी
83 Gujarati તમારી ભાષા ઈશારથી અતાવો. તમારા માટે ભાષાતર કરનાર ઓલાવી અપાશે.	ગુજરાતી
82 Hindi अपनी भाषा इशारे से दिखाइये। आपके लिए दुभाषिया बुलाया जाएगा।	हिन्दी
88 Malayalam നിങ്ങളുടെ മാതൃഭാഷ എന്താണ്? താങ്കളുടെ ഭാഷാഭാവം എന്താണ്?	മലയാളം
81 Nepali आपनी भाषा चिनाउनु होस्। तपाईंको भाषा बोल्ने व्यक्ति बोलाइने छ।	नेपाली
80 Punjabi ਅਪਣੀ ਬੋਲੀ ਇਸ਼ਾਰੇ ਨਾਲ ਦਸੋ। ਤੁਹਾਡੇ ਵਾਸਤੇ ਪੰਜਾਬੀ ਬੋਲਣ ਵਾਲਾ ਬੁਲਾਇਆ ਜਾਵੇਗਾ।	ਪੰਜਾਬੀ
89 Sinhalese මමේ නාඨව වෙසිනි දෙන්නන්. සිංහල භාෂා භාවිතා කෙරෙන්නන්.	සිංහල
137 Tamil எந்த மொழியில் துவிபாலிகள வேண்டுமோ அதை வீரலால் காண்பிக்கவும். தகுந்த துவிபாஷிகளுடன் இணைவு விரைவில் செய்யப்படும்.	ஆங்கிலம்
79 Urdu آپ کون سی زبان میں بات کرنا پسند کریں گی؟ آپ کی مدد کیسے ابھی کی ترجمان کو بلایا جائے گا.	اُردو

Language Line Services also offers Document Translation
For more information contact us:
Phone: 1 888 763-3364 • Fax: 1 800 648-0170
E-mail: translation@languageline.com
Web: www.LanguageLine.com

How to reach an interpreter:

Place the non-English speaker on Conference Hold. Or if you are placing an out-bound call, access the interpreter first and then place the call to the non-English speaker.

To reach an interpreter, dial your special telephone access number: *If possible, you may wish to program this number for speed dialing.*

Press **1** for Spanish.

OR

Press **2** for all other languages.

• Speak the name of the desired language clearly (e.g. "Arabic", "Japanese"). Say only the language name – do not add any other words. The system will repeat your request and ask that you.

• Press **1** to confirm the language.

• If you don't know the language, at the prompt, say "help". Your call will be transferred to a live representative.

Enter your 6-digit Client ID number on the telephone keypad.

Enter your numeric Access Code followed by the pound sign (#) on the telephone keypad. You will be placed on hold while an interpreter is conferenced onto the call. *Do not hang up.*

When the interpreter joins the call, provide any special instructions and explain which communication method you will be using; passing the telephone handset back and forth, using a speakerphone, using an extension handset (via a splitter), or using **Language Line**SM headset. Add the non-English speaker to the line after you brief the interpreter.

After the interpreted conversation has ended, conclude the use of the service by saying "End of Call" to the Interpreter.

ou would in any conversation, confirm or clarify ils. Think how often miscommunication occurs when yone is speaking English. Consider the potential for understanding when you add another language. If ible, avoid slang, jargon, acronyms or technical terms may not interpret well into other languages and cultures.

Africa

- 27 **Amharic** አማርኛ
- 90 **Arabic** اللغة العربية
- 19 **Bambara** Bamanankan
- 58 **French** Français
- 22 **Hausa** Hausa
- 59 **Italian** Italiano
- 61 **Portuguese** Português
- 141 **Portuguese Creole** Cabo Verdiano
- 142 **Somali** Afsomali
- 26 **Swahili** Kiswahili
- 28 **Tigrinya** ተግርኛ
- 20 **Wolof** Wolof
- 21 **Yoruba** Yorubá

Middle East

- 90 **Arabic** اللغة العربية
- 72 **Armenian** Հայերեն
- 139 **Assyrian** ܐܘܪܝܝܢܐ
- 111 **Dari** دری
- 107 **Farsi** فارسی
- 106 **Hebrew** עברית
- 140 **Kurdish** کوردی
- 110 **Pashto** پښتو
- 112 **Turkish** Türkçe

North America, South America, and Caribbean

- 58 **French** Français
- 129 **Haitian Creole** Kreyòl Ayisyen
- 144 **Navajo** Diné
- 61 **Portuguese** Português
- 60 **Spanish** Español

Asia

- China** 請指認您的語言 以便為您請翻譯 / 请指认您的语言 以便为您请翻译
- 31 **Cantonese** 廣東話 / 广东话
- 38 **Chaochow** 潮州話 / 潮州话
- 32 **Fukienese** 福建話 / 福建话
- 35 **Mandarin** 國語 / 国语
- 37 **Shanghai** 上海話 / 上海话
- 33 **Taiwanese** 台灣話 / 台湾话
- 36 **Toishanese** 台山話 / 台山话

Asia

- 42 **Burmese** မြန်မာစကား
- 48 **Cambodian** ភាសាខ្មែរ
- 46 **Hmong** Hmoob
- 50 **Indonesian** Bahasa Indonesia
- 40 **Japanese** 日本語
- 41 **Korean** 한국말
- 43 **Laotian** ພາສາລາວ
- 51 **Malay** Bahasa Malaysia
- 45 **Mien** Mienh
- 47 **Thai** ภาษาไทย
- 49 **Vietnamese** Tiếng Việt

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SD MOA Element 5 Documentation

Excerpt from *ADA Title II Technical Assistance Manual*

II-6.4000 Leased buildings. Public entities are encouraged, but not required, to lease accessible space. The availability of accessible private commercial space will steadily increase over time as the title III requirements for new construction and alterations take effect. Although a public entity is not required to lease accessible space, once it occupies a facility, it must provide access to all of the programs conducted in that space (see II-5.0000). Thus, the more accessible the space is to begin with, the easier and less costly it will be later on to make programs available to individuals with disabilities and to provide reasonable accommodations for employees who may need them.

II-5.0000 PROGRAM ACCESSIBILITY

Regulatory references: 28 CFR 35.149-35.150.

II-5.1000 General. A public entity may not deny the benefits of its programs, activities, and services to individuals with disabilities because its facilities are inaccessible. A public entity's services, programs, or activities, when viewed in their entirety, must be readily accessible to and usable by individuals with disabilities. This standard, known as "program accessibility," applies to all existing facilities of a public entity. Public entities, however, are not necessarily required to make each of their existing facilities accessible.

ILLUSTRATION 1: When a city holds a public meeting in an existing building, it must provide ready access to, and use of, the meeting facilities to individuals with disabilities. The city is not required to make all areas in the building accessible, as long as the meeting room is accessible. Accessible telephones and bathrooms should also be provided where these services are available for use of meeting attendees.

ILLUSTRATION 2: D, a defendant in a civil suit, has a respiratory condition that prevents her from climbing steps. Civil suits are routinely heard in a courtroom on the second floor of the courthouse. The courthouse has no elevator or other means of access to the second floor. The public entity must relocate the proceedings to an accessible ground floor courtroom or take alternative steps, including moving the proceedings to another building, in order to allow D to participate in the civil suit.

ILLUSTRATION 3: A State provides ten rest areas approximately 50 miles apart along an interstate highway. Program accessibility requires that an accessible toilet room for each sex with at least one accessible stall, or a unisex bathroom, be provided at each rest area.

Is a public entity relieved of its obligation to make its programs accessible if no individual with a disability is known to live in a particular area? No. The absence of individuals with disabilities living in an area cannot be used as the test of whether programs and activities must be accessible.

ILLUSTRATION: A rural school district has only one elementary school and it is located in a one-room schoolhouse accessible only by steps. The school board asserts that there are no students in the district who use wheelchairs. Students, however, who currently do not have a disability may become individuals with disabilities through, for example, accidents or disease. In addition, persons other than students, such as parents and other school visitors, may be qualified individuals with disabilities who are entitled to participate in school programs. Consequently, the apparent lack of students with disabilities in a school district's service area does not excuse the school district from taking whatever appropriate steps are necessary to ensure that its programs, services, and activities are accessible to qualified individuals with disabilities.

Can back doors and freight elevators be used to satisfy the program accessibility requirement? Yes, but only as a last resort and only if such an arrangement provides accessibility comparable to that provided to persons without disabilities, who generally use front doors and passenger elevators. For example, a back door is acceptable if it is kept unlocked during the same hours the front door remains unlocked; the passageway to and from the floor is accessible, well-lit, and neat and clean; and the individual with a mobility impairment does not have to travel excessive distances or through nonpublic areas such as kitchens and storerooms to gain access. A freight elevator would be acceptable if it were upgraded so as to be usable by passengers generally and if the passageways leading to and from the elevator are well-lit and neat and clean.

Are there any limitations on the program accessibility requirement? Yes. A public entity does not have to take any action that it can demonstrate would result in a fundamental alteration in the nature of its program or activity or in undue financial and administrative burdens. This determination can only be made by the head of the public entity or his or her designee and must be accompanied by a written statement of the reasons for reaching that conclusion. The determination that undue burdens would result must be based on all resources available for use in the program. If an action would result in such an alteration or such burdens, the public entity must take any other action that would not result in such an alteration or such burdens but would nevertheless ensure that individuals with disabilities receive the benefits and services of the program or activity.

II-5.2000 Methods for providing program accessibility. Public entities may achieve program accessibility by a number of methods. In many situations, providing access to facilities through structural methods, such as alteration of existing facilities and acquisition or construction of additional facilities, may be the most efficient method of providing program accessibility. The public entity

may, however, pursue alternatives to structural changes in order to achieve program accessibility. Nonstructural methods include acquisition or redesign of equipment, assignment of aides to beneficiaries, and provision of services at alternate accessible sites.

ILLUSTRATION 1: The office building housing a public welfare agency may only be entered by climbing a flight of stairs. If an individual with a mobility impairment seeks information about welfare benefits, the agency can provide the information in an accessible ground floor location or in another accessible building.

ILLUSTRATION 2: A public library's open stacks are located on upper floors having no elevator. As an alternative to installing a lift or elevator, library staff may retrieve books for patrons who use wheelchairs. The aides must be available during the operating hours of the library.

ILLUSTRATION 3: A public university that conducts a French course in an inaccessible building may relocate the course to a building that is readily accessible.

When choosing a method of providing program access, a public entity must give priority to the one that results in the most integrated setting appropriate to encourage interaction among all users, including individuals with disabilities.

ILLUSTRATION: A rural, one-room library has an entrance with several steps. The library can make its services accessible in several ways. It may construct a simple wooden ramp quickly and at relatively low cost. Alternatively, individuals with mobility impairments may be provided access to the library's services through a bookmobile, by special messenger service, through use of clerical aides, or by any other method that makes the resources of the library "readily accessible." Priority should be given, however, to constructing a ramp because that is the method that offers library services to individuals with disabilities and others in the same setting.

Is carrying an individual with a disability considered an acceptable method of achieving program access? Generally, it is not. Carrying persons with mobility impairments to provide program accessibility is permitted in only two cases. First, when program accessibility in existing facilities can be achieved only through structural alterations (that is, physical changes to the facilities), carrying may serve as a temporary expedient until construction is completed. Second, carrying is permitted in manifestly exceptional cases if (a) carriers are formally instructed on the safest and least humiliating means of carrying and (b) the service is provided in a reliable manner. Carrying is contrary to the goal of providing accessible programs, which is to foster independence.

How is "program accessibility" under title II different than "readily achievable barrier removal" under title III? Unlike private entities under title III, public entities

are not required to remove barriers from each facility, even if removal is readily achievable. A public entity must make its "programs" accessible. Physical changes to a building are required only when there is no other feasible way to make the program accessible.

In contrast, barriers must be removed from places of public accommodation under title III where such removal is "readily achievable," without regard to whether the public accommodation's services can be made accessible through other methods.

DRAFT