



Bay Area Workforce Development Board

Reasonable Accommodation Policy

Effective July 1, 2020

A reasonable accommodation is a modification or adjustment to a job, the work environment, or the way things are usually done during the hiring process.

Reasonable Accommodation

Title I of the Americans with Disabilities Act of 1990 (the “ADA”) requires an employer/public sites to provide reasonable accommodation to qualified individuals with disabilities who are employees or applicants, unless to do so would cause undue hardship. “In general, an accommodation is any change in the environment or in the way things are customarily done that enables an individual with a disability to enjoy equal opportunities.” Modifications or adjustments to an application process, modifications or adjustments to the environment, modifications or adjustments that enable a covered entity’s employee with a disability to enjoy equal benefits and privileges of employment as are enjoyed by its other similarly situated employees without disabilities.

Reasonable accommodation removes barriers for individuals with disabilities. Reasonable accommodations must be provided to qualified employees regardless of whether they work part-time or full-time, or are considered “probationary.” The individual with a disability must inform the employer that an accommodation is needed.

Possible reasonable accommodations:

- making existing facilities accessible;
- job restructuring;
- part-time or modified work schedules;
- acquiring or modifying equipment;
- changing tests, training materials, or policies;
- providing qualified readers or interpreters; and
- reassignment to a vacant position.

Accommodation also must be effective in meeting the needs of the individual.

Undue Hardship

An employer is not obligated to provide a reasonable accommodation that would cause an “undue hardship” to the employer. A determination of undue hardship should be based on several factors, including:

1. The nature and cost of the required accommodation;

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2. The overall financial resources of the facility making the reasonable accommodation; the number of persons employed at this facility; the effect on the expenses and resources of the facility;
3. The overall financial resources, size, number of employees and type and location of facilities of the employer (if the facility involved in the reasonable accommodation is part of a larger entity);
4. The type of operation of the employer, including the structure and functions of the workforce, the geographic separateness, and the administrative or fiscal relationship of the facility involved in making the accommodation to the employer;
5. The impact of the accommodation on the operation of the facility.

Decisions upon requests for reasonable accommodation will be guided by U.S. Employment Opportunity Commission guidelines published as “Enforcement Guidance on Reasonable Accommodation and Undue Hardship under the ADA” (publication EEOC-CVG-2003-1) or any updates to that guidance.

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