

**Element 5 Compliance With 504 Disability Requirements** (WIA Section 188; Section 504 of the Rehabilitation Act of 1973, as amended; and their implementing regulations, including but not limited to 29 CFR 37.7, 37.8, and 37.9, and Subparts B and C of 29 CFR part 32).

## **PART A**

### **1. Recipients meet their obligation not to discriminate on the basis of disability.**

Recipients shall demonstrate that persons with disabilities are assured of participation in programs and activities within as integrated a setting as possible. Programs and activities shall be architecturally and programmatically accessible to individuals with disabilities, through reasonable accommodation and reasonable modification, free of discrimination on the basis of disability. Also, communication about programs and activities shall be as effective as communication with others.

Examples of discriminatory actions include:

- a) Denying a qualified individual with a disability the opportunity to participate in, or benefit from, a WIA activity because of their disability;
- b) Failing to give a qualified person with a disability an equal opportunity to get the same results or benefits from a program or activity that people without disabilities receive;
- c) Charging a particular person with a disability, or any group of persons with disabilities, any extra fees to cover the costs of accommodating the disability or of providing the nondiscriminatory treatment required by law; or,
- d) Excluding, or otherwise discriminating against, any person or entity because that person or entity is known to associate, or have a relationship, with someone who has a known disability.

The State of Hawaii has developed policies and procedures to ensure that all recipients meet their obligations not to discriminate on the basis of disability and their responsibility to provide reasonable accommodations both structural and programmatic. Ongoing training and monitoring ensures that all recipients continue to meet their obligation not to discriminate (Exhibit A1-2).

### **2. Provide reasonable accommodation for individuals with disabilities.**

The terms "reasonable accommodation" and "reasonable modifications" refer to actions a recipient must take at the time that a particular person with a disability seeks to apply to or participate in a program or activity, based on that person's individual needs. The actions that the recipient must take are those that will enable that particular person to receive equal benefits from the program or activity, or to compete fairly in educational and work settings.

Recipients are required to provide reasonable accommodation to employees and participants, and that all programs and activities are accessible to persons with disabilities. Regular compliance monitoring by the State and LWIA EO Officers will further ensure equal opportunity for the disabled.

### **3. Provide reasonable modification of policies, practices and procedures as required.**

The Department of Labor and Industrial Relations (DLIR) is committed to providing reasonable accommodations to individuals with disabilities, whether the individual is a DLIR employee or customer. In addition, the ADA Coordinators of the four counties assures persons with disabilities needs are met in the most appropriate, customer friendly, cost-efficient, and timely manner possible within their county jurisdiction.

The DLIR has updated and distributed to its agencies all policies, including policy statements for persons with disabilities (Exhibits B1-B4).

**4. Provide architectural and programmatic accessibility for individuals with disabilities.**

The State of Hawaii has adopted the Americans with Disability Act Accessibility Guidelines (ADAAG) for use by State agencies in providing access to persons with disabilities. A "Disability Access to Programs and Services Manual," which is distributed to all departments and agencies of the state, provides specific guidelines and procedures on accessibility to programs and services (Exhibits C&D).

Recipient agencies shall conduct programmatic and architectural accessibility compliance site reviews for their own and sub-recipient sites at least once every two years. Training of recipient and sub-recipient staff shall be provided on an on-going basis (Exhibit E). All recipients are expected to provide reasonable accommodation of policies, practices, and procedures to comply with Section 504 as described at 29 CFR 37.8, and to establish and maintain a schedule for regular evaluation of job qualifications to ensure qualifications are not discriminatory on the basis of disability.

**5. Provide for and adhere to a schedule to evaluate job qualifications to ensure that the qualifications do not discriminate on the basis of disability.**

LWIA EO Officers of each county shall review job announcements (employee recruitments), job descriptions, position description questionnaires, and other job recruitment materials to ensure that they are non-discriminatory against persons with disabilities.

**6. Ensure the confidentiality of medical information provided by registrants, applicants, eligible applicants/registrants, participants, employees and applicants for employment.**

The State policy provides for the confidentiality of information collected and maintained regarding the disabilities of individuals. WIA recipients must keep disability—related records, and records containing medical information about particular individuals, confidential. Recipients must keep this information separate from other information about a particular individual, whether the information is maintained on paper or electronically.

Medical information obtained in the course of a post-offer medical examination or inquiry may be provided to and used by appropriate decision-makers involved in the hiring process in order to make employment decisions consistent with the ADA. The following are allowed access to confidential information on a need-to-

know-basis:

- Supervisors, managers, and trainers may be informed about an employee's or trainee's disability, but only to the extent necessary in order to explain limitations on the employee's or trainee's activities, or to provide him or her with reasonable accommodations;
- First-aid and safety personnel may be informed about an employee's, applicant's, or trainee's medical condition, where appropriate, if the condition might require emergency treatment; and,
- Government officials investigating compliance with disability non-discrimination laws must be given such information upon request.

**7. Administer their W1A Title I financially assisted programs and activities so that each individual with a disability participates in the most integrated setting appropriate to that individual.**

All recipients shall ensure that individuals with disabilities participate in the most integrated setting appropriate to each individual. Program facilities will be equipped to accommodate individuals with physical disabilities, as well as hearing and vision impaired, to provide universal access to all customers.

**8. Communicate effectively with individuals with disabilities.**

Recipients must take appropriate steps to ensure that communications with individuals with disabilities are as effective as communications with persons without disabilities. They must:

- Provide appropriate auxiliary aids or services where necessary to give people with disabilities an equal opportunity to participate in or benefit from a particular program or activity,
- Utilize telecommunications devices for individuals with hearing impairments (TDD/TTY), or equally effective communications systems, such as telephone relay services,
- Ensure that interested individuals, including individuals with visual or hearing impairments, can obtain information as to the existence and location of accessible services, activities, and facilities, and,
- Have signage at a primary entrance to each of its inaccessible facilities, directing users to a location at which they can obtain information about accessible facilities.

Each One-Stop Career center shall have at least one workstation specifically designed for customers with disabilities. These workstations will be equipped

with software and hardware tools, and other equipment that will ensure effective communication and participation in all services, training, and benefits.

Equal Opportunity Employer/Program

Auxiliary aids and services are available upon request to individuals with disabilities.

TTY/TDD (808) 586-8844

## **PART B**

### Supporting Documentation

Exhibit A1	Sample of Ongoing Disability Training—Disability Employment Initiative
Exhibit A2	Sample of Ongoing Disability Training—Hawaii’s Disability Core State Leadership Team Training
Exhibit B1	DLIR Directive No. 2011-1 Policy Statement on Reasonable Accommodations for Persons with Disabilities
Exhibit B2	DLIR Directive No. 2011-02 Americans with Disabilities Act (ADA) Grievance Procedures
Exhibit B3	DLIR Directive No. 2011-03 Policy Statement for Persons with Disabilities
Exhibit B4	State of Hawaii Discrimination/Harassment Free Workplace Policy
Exhibit C	Programs and Services Manual for Persons with Disabilities, Disability and Communication Access Board, State of Hawaii
Exhibit D	ADA Curriculum for State and County Agencies, Disability and Communication Access Board, State of Hawaii