

Administrative Policy No. AP-204

Subject: Policy on Undue Financial and Administrative Burden

Effective: PY04 - 12/13/2004

BACKGROUND:

There may be an instance(s) in which staff decide that an action, which would allow program access by a person with a disability, is unfeasible. The decision must be made by a member of senior management and the service provider contractor must determine the appropriate official to make such decisions (the Site Manager, WIA Administrator) and must communicate this determination to all staff.

POLICY:

If an Undue Financial or Administrative Burden claim (in complying with Section 188 of Workforce Investment Act (WIA) (29 CFR Part 37), Title I and II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973, as amended) is initiated, it shall contain the following per federal regulations:

- the determination shall indicate that undue financial or administrative burden would result must be based on resources available for use in the operation of the contractor keeping in mind that it is likely that in making this determination, arbitrators and courts may consider the resources of the state's entire workforce development system, not just the funding available to an individual service provider.
- the determination must be given in writing to the individual or individuals who requested the accommodation and include the reasons that the accommodation would result in an undue hardship.
- WCCNM or the service provider must consider and take any other actions that would not result in undue hardship, but which would allow maximum access for the person with a disability to the services and programs of the contractor.

APPLICABILITY:

WCCNM staff and service providers contracting with WCCNM to provide WIA services.

INQUIRIES:

WIA Manager 505-247-1750