

### § 34.7

can obtain information as to the existence and location of accessible services, activities, and facilities.

(e) A recipient shall provide 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. The international symbol for accessibility shall be used at each primary entrance of an accessible facility.

(f) This section does not require a recipient to take any action that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity or in undue financial and administrative burdens.

(1) In those circumstances where a recipient believes that the proposed action would fundamentally alter the JTPA-funded program, activity, or service, or would result in undue financial and administrative burdens, such recipient has the burden of proving that compliance with this section would result in such alteration or burdens.

(2) The decision that compliance would result in such alteration or burdens must be made by the recipient after considering all resources available for use in the funding and operation of the JTPA-funded program, activity, or service and must be accompanied by a written statement of the reasons for reaching that conclusion.

(3) If an action required to comply with this section would result in such an alteration or such burdens, the recipient shall take any other action that would not result in such an alteration or such burdens but would nevertheless ensure that, to the maximum extent possible, individuals with disabilities receive the benefits or services provided by the recipient.

### § 34.7 Employment practices.

(a) As used in this part, the term "employment practices" includes, but is not limited to, recruitment or recruitment advertising, selection, placement, layoff or termination, upgrading, demotion or transfer, training, participation in upward mobility programs, rates of pay or other forms of compensation, and use of facilities and

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other terms and conditions of employment.

(b) Discrimination on the ground of race, color, religion, sex, national origin, age, disability, or political affiliation or belief is prohibited in employment practices in the administration of, or in connection with, any JTPA-funded program or activity.

(c) *Employee selection procedures.* In implementing this section, a recipient shall comply with the Uniform Guidelines on Employee Selection Procedures, 41 CFR part 60-3.

(d) *Standards for employment-related investigations and reviews.* In any investigation or compliance review, the Director shall consider EEOC regulations, guidelines and appropriate case law in determining whether a recipient has engaged in an unlawful employment practice.

(e) As provided in § 34.1(c)(2) of this part, this rule does not affect in any way the obligation of recipients to comply with subparts B and C and appendix A of 29 CFR part 32, implementing the requirements of section 504 pertaining to employment practices and employment-related training, program accessibility, and accommodations. Therefore, this section should not be understood to constitute an exhaustive list of employment-related nondiscrimination and equal opportunity obligations on the ground of disability.

(f) Recipients that are also employers covered by titles I and II of the ADA should be aware of obligations imposed pursuant to those titles. See 29 CFR part 1630 and 28 CFR part 35.

(g) This rule does not preempt consistent State and local requirements.

### § 34.8 Intimidation and retaliation prohibited.

A recipient shall not discharge, intimidate, retaliate, threaten, coerce or discriminate against any person because such person has: filed a complaint; opposed a prohibited practice; furnished information; assisted or participated in any manner in an investigation, review, hearing or any other activity related to administration of, or exercise of authority under, or privilege secured by, the nondiscrimination and equal opportunity provisions of