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ISSUES

GAZETTE TELEGRAPH

SUNDAY, JULY 8, 1990

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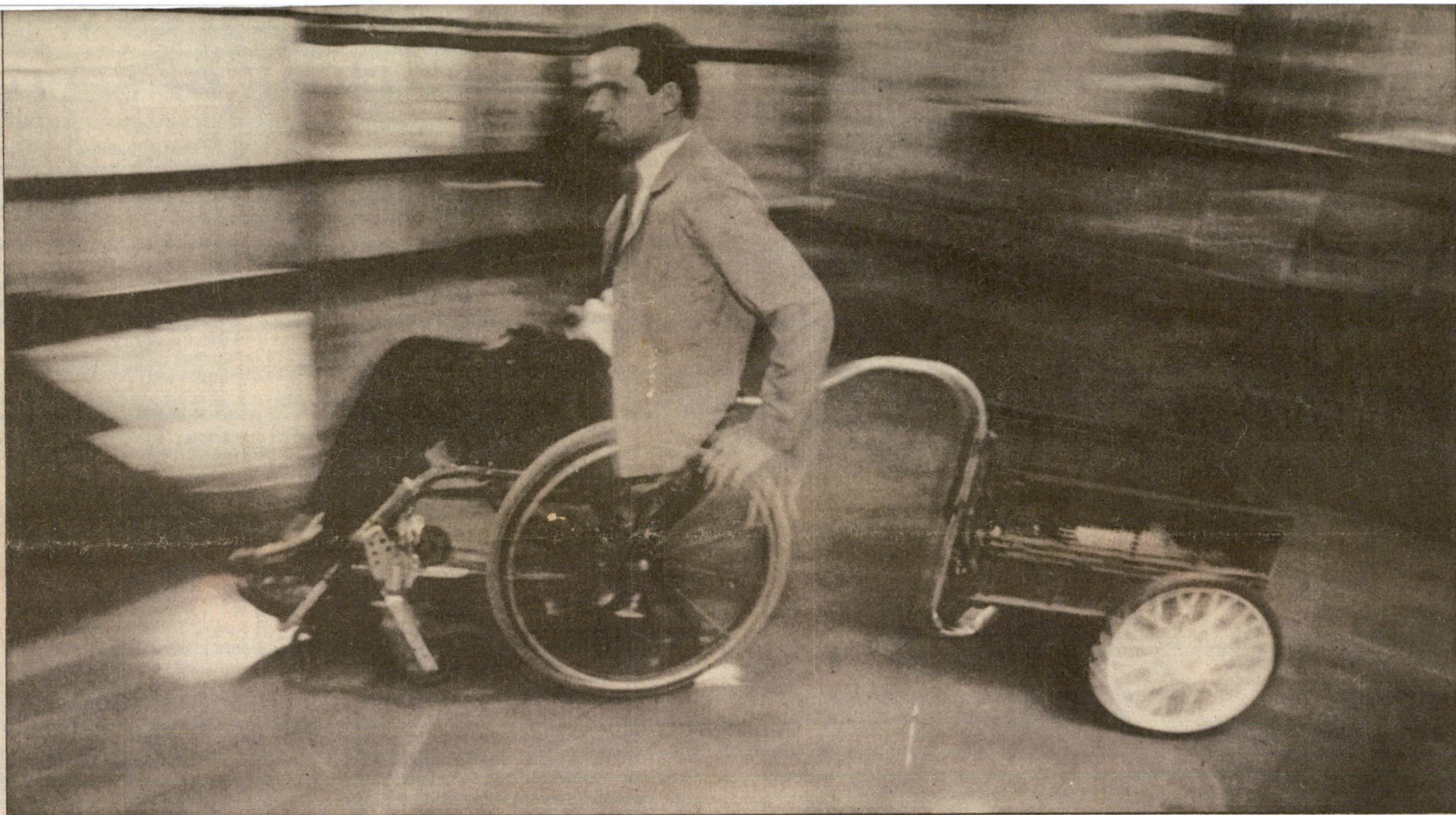
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CIVIL RIGHTS

A *BILL of RIGHTS* **FOR THE DISABLED**

Mark Reis/Gazette Telegraph





Darrell Turner, partially paralyzed in a car accident, works as a field service engineer for Digital Equipment. He uses a cart to carry his repair equipment.

Landmark measure pending in Congress

By Joel Millman/Gazette Telegraph

For Barbara Guthrie, the bill protecting the disabled from discrimination came 14 years too late.

In 1976, while working as a cashier in a North Platte, Neb., discount department store, Guthrie was stricken with rheumatoid arthritis. Back then, few employers hired people with disabilities, and even fewer accommodated workers who suddenly became disabled.

So, when the crippling disease put Guthrie in a wheelchair, it

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For an estimated 43 million Americans with disabilities, the bill is the culmination of decades of increasingly militant demands for access and employment. In the past 20 years, children with disabilities have increasingly been educated in mainstream schools with non-disabled children. That has given rise to a generation that grew up believing they have a right to hold a job, have a family and live independently.

children with Down's syndrome to the Monkey House because, he claimed, they upset his chimpanzees.

Congress got the message — the bill breezed through both the House and Senate, despite opposition from business and transportation lobbies. A House-Senate conference committee has ironed out differences, and the bill will go to both houses for a final vote. President Bush has said he would sign the legislation.

No one can foresee all of the bill's impacts, but for the millions of businesses it would affect, it is a source of confusion

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In 1976, while working as a cashier in a North Platte, Neb., discount department store, Guthrie was stricken with rheumatoid arthritis. Back then, few employers hired people with disabilities, and even fewer accommodated workers who suddenly became disabled.

So, when the crippling disease put Guthrie in a wheelchair, it also cost her a job. Her boss didn't offer to keep her on, and it never occurred to Guthrie to ask if she could continue working.

For 12 years afterward — until she was hired as a community organizer by a disabled rights group in Colorado Springs — Guthrie was out of work and had to survive on government handouts.

"I wasn't making much on that job, but it was the difference between earning a living and having to live on assistance," Guthrie said. "We may not all be able to walk or see, but we're still human beings with a right to try to earn a decent living."

In the next few months, that right and others will likely be backed up by federal law. Congress is putting the finishing touches on the Americans with Disabilities Act, a landmark measure that extends to the disabled the same legal protections granted to racial minorities and women 26 years ago.

Considered the most significant legislation of its kind since the Civil Rights Act of 1964, the disabled rights bill outlaws discrimination in the workplace and requires all businesses to be accessible in some way to people with disabilities within two years.

The employment and accessibility requirements envision a degree of accommodation for the disabled that goes far beyond what has been required by a patchwork of federal, state and local laws. While reluctant to criticize the intent of the act, some business groups complain about the potential expense of meeting its requirements.

At minimum, business owners or public building administrators would have to install ramps and widen doors, or figure out a different way of serving the disabled, such as meeting them outside.

Department store managers could have to use valuable floor space to widen aisles for wheelchairs, and convenience stores could have to lower shelves. Bank tellers would have to write notes for the deaf, and supermarket clerks would have to help the blind find what they need.

On the employment side, private firms and public agencies could not refuse to hire qualified deaf or blind applicants if they could do the job with the help of a sign-language inter-

preter or reading assistant. Or a cashier, like Guthrie, who was unable to stand because of a disability, might have to be provided with a high stool so she could run the cash register.

For an estimated 43 million Americans with disabilities, the bill is the culmination of decades of increasingly militant demands for access and employment. In the past 20 years, children with disabilities have increasingly been educated in mainstream schools with non-disabled children. That has given rise to a generation that grew up believing they have a right to hold a job, have a family and live independently.

The bill's supporters say a sweeping federal law is needed to attack prejudice and age-old stereotypes that have made many of the disabled targets of both subtle and blatant discrimination.

In testifying before Congress, they hammered that home with accounts of daily frustrations as well as horror stories, like the New Jersey private zoo owner who refused to admit

children with Down's syndrome to the Monkey House because, he claimed, they upset his chimpanzees.

Congress got the message — the bill breezed through both the House and Senate, despite opposition from business and transportation lobbies. A House-Senate conference committee has ironed out differences, and the bill will go to both houses for a final vote. President Bush has said he would sign the legislation.

No one can foresee all of the bill's impacts, but for the millions of businesses it would affect, it is a source of confusion and fear.

Businesses with 25 employees or more would have to comply with the law within two years; within four years it would apply to those with at least 15 workers. Businesses with fewer than 15 employees would have to attempt to comply unless the cost would be prohibitive.

Fred Krebs, a spokesman for the U.S. Chamber of Commerce, called the act a classic example of good intentions gone bad.

"We're worried about the impact this law will have on small employers who can least afford expensive lawsuits and accommodations," he said. "I won't defend discrimination; it's wrong and should be fought. But will the costs be outweighed by the benefits? I hope I'm wrong, but I don't think so."

The White House estimates the cost of the bill's employment and public accommodations requirements will be between \$1 billion and \$2 billion a year.

Fred Currey, chief executive officer for Greyhound Corp., called the legislation "a bullet to the heart," claiming it would cost \$40 million a year to equip and maintain buses with wheelchair lifts.

American Telephone and Telegraph said everyone's monthly bill will be three to five cents higher to pay for a provision requiring telephone companies to provide a nationwide system so the deaf can communicate with the hearing. The system would use operators to relay messages typed out on keyboards and sent by teletype.

The clamor over cost is the inevitable companion of laws aimed at redressing past injustices, said Robert Katzmann, an author and a researcher at the Brookings Institution in Washington, D.C.

"In the long term what you'll have is more people employed, more people better able to contribute their talents," said Katzmann. "It's also true that in the short term there will be additional expenses for businesses to bear."

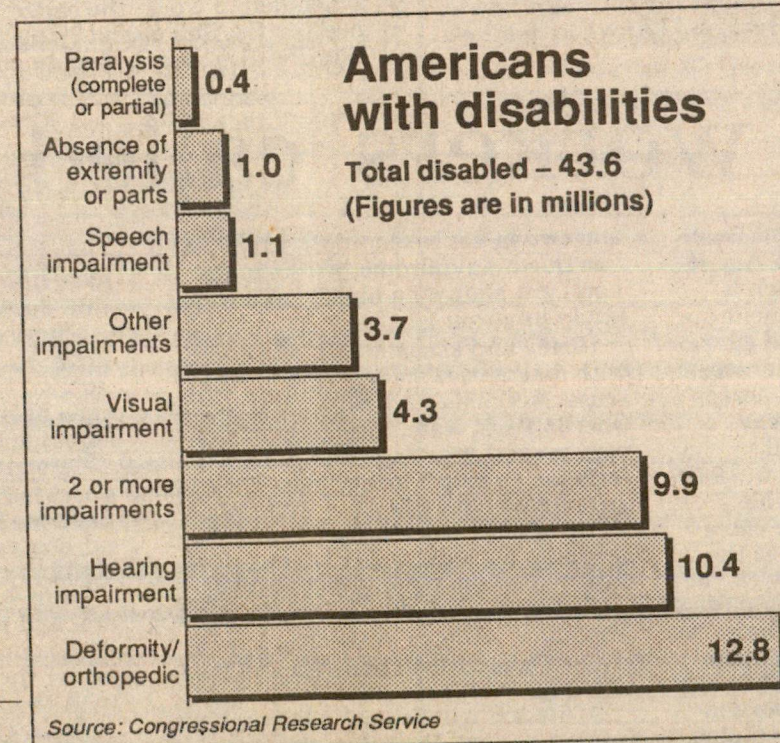
"But that's the tradeoff Congress has decided has to be made. Congress has said the disabled have been shut out of society for too long and something has to be done."

That the disabled have been shut out of the workplace is in-

See BILL/E3

- Discrimination called culprit/E2
- Mentally ill sometimes hide truth/E2
- Panel paved way for proposed bill/E3

Gazette Telegraph



ISSUES

Bill/Accommodating disabled may be costly for many

From E1

disputable. A 1985 Harris poll found that 66 percent of the disabled did not work, even though the vast majority wanted to. The same poll concluded that not working is perhaps the truest definition of what it means to be disabled.

Initially, opponents voiced concerns about being forced to hire unqualified individuals or people whose disabilities would make them a danger to other employees. But that criticism has died down, partly because the bill applies only if a disabled applicant is capable of doing the job, and partly because of the political climate.

"One of our major problems in dealing with this is it's such an emotional issue that if you say anything against the bill you're perceived as being against hiring or accommodating the disabled," said Angela Jones, spokeswoman for the National Federation of Independent Business, a lobbying group representing 500,000 large and small businesses nationwide.

"We're not against the disabled or the bill. We just want it to be written so it's workable."

As the measure is written, Jones said, business owners have been made easy marks for discrimination lawsuits by vague wording requiring them to make "reasonable accommodations" for the disabled unless it causes "undue hardship."

"What's reasonable? What's an undue hardship? That's what everyone is asking," Jones said.

PROVISIONS OF ACT

The pending Americans with Disabilities Act covers an estimated 43 million people with physical and mental impairments ranging from blindness to schizophrenia. It outlaws discrimination and requires all businesses to be accessible in some manner to the disabled.

Its provisions, listed below, are intended to open up careers to the disabled.

Employment

► Employers must make "reasonable accommodations" to give people with disabilities equal employment opportunities unless the accommodations impose "undue hardship."

► Employers are required to make existing facilities accessible in some manner to the disabled and to include ramps, elevators or the like in renovations or new construction.

► Employers may not discriminate against disabled job applicants or screen them out with unfair job descriptions or testing.

► Accommodations for the disabled are to include both accessibility and modified equipment and work schedules.

► Businesses with 25 or more employees must comply with the laws within two years, and businesses with at least 15 workers within four years.

Access

► Private establishments that serve the public, including restaurants, theaters, hotels and retail stores, may not refuse to serve the disabled either by policy or by accessibility barriers.

► If access can't be provided without causing an "undue burden," the disabled must be accommodated in some other manner, such as providing curbside service.

► All new or renovated facilities must be accessible to the disabled.

► A grace period of 18 to 30 months has been established for most businesses to comply.

Source: Americans with Disabilities Act.

They note that a 1973 law banning discrimination against the disabled by recipients of federal funds hasn't bankrupted anyone or resulted in a large number of lawsuits.

"I really don't understand

patron.

Digital Equipment Co., the international computer firm, has spent nearly \$500,000 to install automatic doors, elevators and other accommodations for the disabled at its Colorado Springs

post office to pick them up," Barbara Guthrie said. "But I can't get in there. I have to go around the back and have somebody bring them out to me. That's not right. It's like I'm not good enough to come in the front door."

Postmaster Steve Johnson said an elevator is in next year's budget. It will require breaking through the historic building's granite exterior and cost at least \$250,000.

"It's a big expense, but it doesn't really matter because the law requires that all our buildings be accessible," Johnson said. "We don't want anyone to be made to feel like a second-class citizen."

The Gazette Telegraph added a second floor to its building at 30 S. Prospect St. in 1985 but did not install an elevator or other means of access to the newsroom for the disabled.

Gazette Telegraph publisher Roy Smith said the newspaper will comply with the law, but he added that what that will entail hasn't been made clear yet.

George Fischer, resident manager of The Broadmoor, said the hotel is planning a major renovation of its guest rooms and is being advised by Don England on improving accommodations for the disabled.

"People in wheelchairs are guests at the hotel all the time," Fischer said. "Rooms are accessible, bathrooms have grab bars, and there are curb cuts and two ramps to the main building."

Yet even a posh five-star hotel has to draw the line some-

"It doesn't have to change people's hearts and minds, as long as it changes their behavior."

pollo victim Chuck Poe

down to money. But disabled activists say that even if the bill becomes law, they will still have to contend with attitudes that have excluded them from jobs and even influenced how the disabled view themselves.

When Kat Cathey, a Digital employee, was put in a wheelchair by multiple sclerosis, she began noticing how difficult it was to open doors and use restrooms at the plant where she worked.

Yet none of the other employees in wheelchairs had ever said anything to management.

"They told me they felt very proud to just have jobs when most other physically challenged people didn't," Cathey said.

"They felt they should be grateful for that and didn't want to make waves."

"Typically, nothing will be done unless the people who work there ask for it. Digital is one of the more pro-active companies now, but it's because of

Act would go beyond state laws

In Colorado, state and federal law have prohibited discrimination against the disabled since 1977 in many of the areas that would be covered by the Americans with Disabilities Act.

The federal Rehabilitation Act passed in 1973 banned discrimination in employment and in providing services by public agencies receiving any amount of federal funding and by private contractors with federal contracts exceeding \$2,500 a year.

In 1977, the Colorado Legislature amended the state's Civil Rights Act to include the disabled. Prior to that, state law banned discrimination in employment, housing and service to the public based only on race, religion, age and sex.

The Americans with Disabilities Act goes further than even the 1973 federal law and the 1977 state law combined.

It also would ban discrimination against the disabled by public agencies and private employers. But it also creates a higher standard than just non-discrimination

tions" for the disabled unless it causes "undue hardship."

"What's reasonable? What's an undue hardship? That's what everyone is asking," Jones said.

There's no easy answer. What a business owner considers a reasonable accommodation to improve accessibility could leave someone with a disability feeling discriminated against. For example:

John Summers, manager of the J.C. Penney department store in the Citadel mall, didn't plan to remove or rearrange floor displays to widen aisles, but said every corner of the store would be accessible to the disabled nonetheless.

"Obviously, as in any department store, we have areas that are not wide enough for someone in a wheelchair to get through," he said. "But we have sales people in the main areas who would be happy to bring things out to them."

Kat Cathey, a disabled Colorado Springs resident, doesn't agree that would make the store accessible.

"We shouldn't have to ask someone to bring things out to us," she said. "That just perpetuates the stereotype of us as always needing help or not being as good as or as smart as everyone else."

Individuals claiming to have been unfairly denied a job or access can file a complaint with the Equal Employment Opportunity Commission or go to court.

But the bill's supporters dispute claims that the measure would promote lawsuits and drive people out of business.

disabled by recipients of federal funds hasn't bankrupted anyone or resulted in a large number of lawsuits.

"I really don't understand why the business community is so afraid of this," said Mary Lou Breslin, executive director of the Berkeley, Calif.-based Disabilities Rights Education Defense Fund, a lobbying group. "Litigation is only one means of enforcing it. It's a necessary tool because there will be resistance, but it's a last resort."

Accommodating the disabled can be costly. Concrete ramps cost between \$1,000 and \$10,000. Widening doorways can cost \$3,000. Wheelchair lifts can add \$10,000 to \$15,000 to the price of a new bus. Installing an elevator can cost hundreds of thousands of dollars.

But it can also pay off, said a Colorado Springs consultant who advises hotels on how to accommodate the disabled traveler.

"If you offer the right product, the business will follow," said Don England, himself a paraplegic. "The market is there."

Hertz, the rental car giant, reached out to the disabled market years ago by adding vehicles with hand controls to its fleet.

La Creperie, a tiny French restaurant in downtown Colorado Springs, is too small to have to comply with the disabled rights bill. Yet, among regular customers are several disabled people who know tables will be rearranged for a wheelchair and the waitresses don't mind reading the menu to a blind

ternational computer firm, has spent nearly \$500,000 to install automatic doors, elevators and other accommodations for the disabled at its Colorado Springs plants in the past five years. One of the least expensive innovations enabled computer hardware repairman Darrell Turner to get around the plant by carrying his tools in a basket on wheels that trails behind his wheelchair.

An accessible building doesn't increase profits, but it lets the company recruit talent in the highly competitive computer field "without regard to the package it comes in," said Chuck Poe, Digital's Colorado Springs personnel manager.

"Who knows, someone who's paralyzed might invent our next line of computers," said Poe, who has been in a wheelchair since contracting polio in the late 1950s.

Unfortunately, the disabled say, those are "islands of excellence" in what is otherwise a sea of indifference or outright hostility to their needs.

Among the worst local offenders in terms of accessibility are the Postal Service, the Gazette Telegraph and The Broadmoor hotel, according to members of the Atlantis Community, an activist group, and others.

Built in 1902, the downtown post office doesn't have an entrance at ground level. The only way to reach the post office boxes and customer service windows is to climb a half flight of steps leading to the front doors.

"If I'm not home to get my food stamps, I have to go to the

Fischer said. Rooms are accessible, bathrooms have grab bars, and there are curb cuts and two ramps to the main building."

Yet even a posh five-star hotel has to draw the line somewhere, and in the Broadmoor's case, it's at pouring money into the 50-year-old ice arena.

"To say The Broadmoor isn't sensitive on this issue isn't fair," Fischer said. "But I don't have the money to renovate every facility, especially if that facility is past the point of useability."

Most of the opposition boils

make waves.

"Typically, nothing will be done unless the people who work there ask for it. Digital is one of the more pro-active companies now, but it's because of the employees raising the awareness level."

Chuck Poe conceded that laws can't change the way people think overnight. But that can come later, he said.

"It doesn't have to change people's hearts and minds," he said, "as long as it changes their behavior."

ination against the disabled by public agencies and private employers. But it also creates a higher standard than just non-discrimination by requiring private employers and businesses to make "reasonable accommodations" to make their facilities accessible to the disabled unless it causes an "undue hardship."

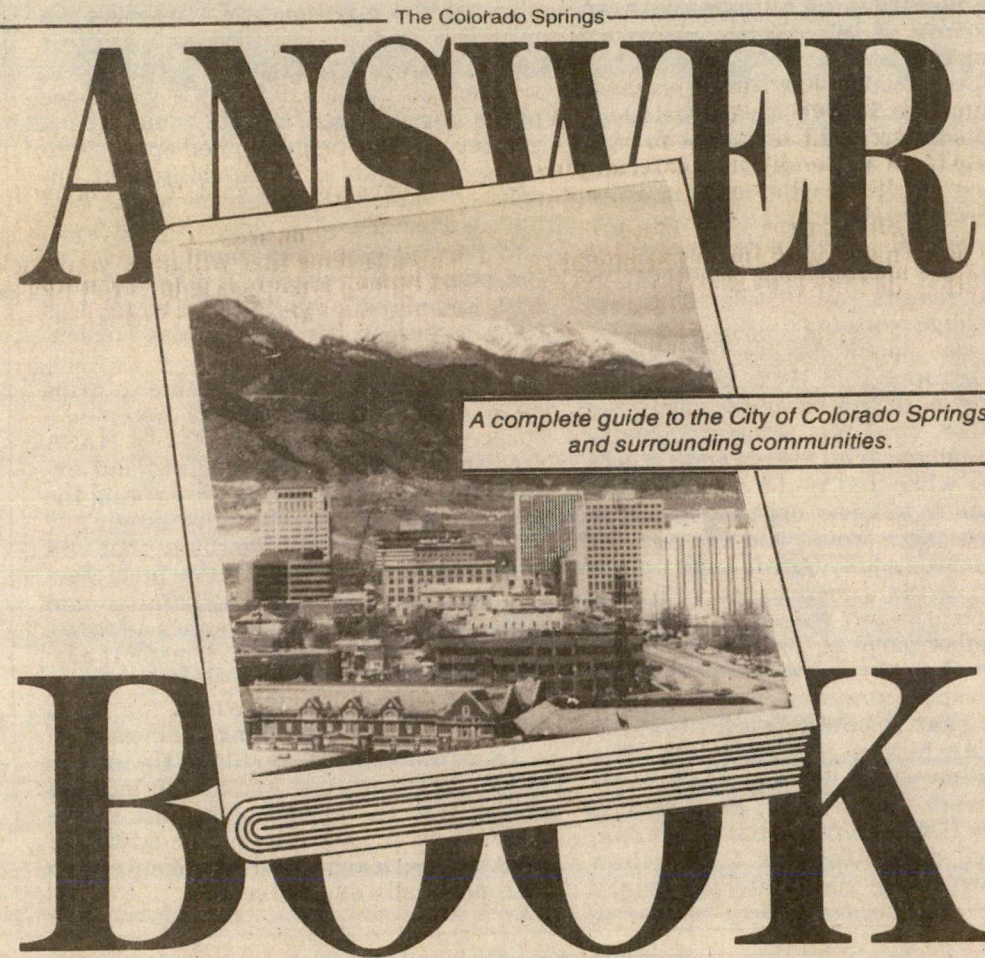
It also would require public transportation to be accessible to the disabled.

Reagan-appointed panel started ball rolling on civil rights bill

By Eric Anderson/States News Service

WASHINGTON — Few people had faith that a group appointed in 1984 to study the problems of

"The only way we're going



The Gazette Telegraph's annual Colorado Springs Answer

and fire stations. There will listings of local churches, civic

the Answer Book a valuable reference source.

Reagan appointed panel started ball rolling on civil rights bill

By Eric Anderson/States News Service

WASHINGTON — Few people had faith that a group appointed in 1984 to study the problems of the disabled would break a great deal of new ground.

The 15 members of the National Council on Disability didn't have much political experience beyond contributing to then-President Reagan's campaign. And insiders doubted that a panel named by a conservative president would produce hard-hitting recommendations.

Robert Burgdorf Jr., who was legal counsel for the group, said it was initially dismissed as "just another stupid committee producing another stupid report."

But the naysayers were wrong.

The committee, whose members were either disabled or had experience with people with disabilities, paved the way for one of the most important civil rights bills in decades. Absent a last-minute glitch, the Americans with Disabilities Act is expected to be signed by President Bush.

At public meetings in all 50 states, council members heard repeatedly that the No. 1 problem for people with disabilities was discrimination that prevented them from getting work or access to businesses.

In response, the council drafted a bill modeled after a 1973 law that barred discrimination against the disabled recipients of federal money. The council's measure expanded the provisions to most of the private sector.

Then-Sen. Lowell Weicker Jr., R-Conn., and then-Rep. Tony Coelho, D-Calif., took a revised version of the council's bill and introduced it with much fanfare in 1988.

But even supporters did not give it much chance of passing. Among other things, it was called the "bankruptcy bill" and the "flat-Earth bill" because it required virtually all building owners to make expensive renovations.

Nevertheless, 1,000 disabled people showed up at the bill's first hearing. In 1988, presidential candidate George Bush endorsed the concept. And lobbyists continued to press for passage. At one point, a group of disabled people crawled up the steps of the U.S. Capitol to show the difficulty of entering a building without ramps or elevators.

"The only way we're going to see it work is by the disabled community ensuring that it is enforced."

Pat Wright

After Weicker lost re-election in November 1988 and Coelho resigned in mid-1989, backers found two new and eager sponsors of a more moderate bill, one that eased the accessibility and hiring rules.

Despite Bush's earlier support, he withheld his endorsement after entering the White House. The president wanted Congress to protect people found guilty of violating the law from punitive damages. Last summer, he endorsed a revised version, which was passed by the Senate.

The measure then had to be steered through a legislative maze in the House. Seven subcommittees and committees had to approve the proposal before it could be brought to the House floor for debate. It was approved 403-20 in May.

A conference committee stripped out a provision, backed by majorities in the House and the Senate, allowing restaurateurs to shift employees with AIDS out of food-handling jobs. The conferees' unusual reversal of majorities in both houses stirred resentment in Congress.

Now the House and Senate must approve the revised bill. Controversy over the AIDS amendment could delay passage.

Assuming the bill becomes law, it will be up to the courts and federal agencies to interpret the rather vague language of the measure.

"It doesn't end with a signing ceremony," said Pat Wright, director of government affairs for the Berkeley, Calif.-based Disabilities Rights Education Defense Fund, a lobbying group. "This just becomes a piece of paper, and the only way we're going to see it work is by the disabled community ensuring that it is enforced."

BOOK

The Gazette Telegraph's annual **Colorado Springs Answer Book** will publish Sunday, July 29. Packed with useful tips for newcomers and longtime residents alike, the Answer Book provides readers with all the information they need to live, work and play in the Pikes Peak region.

Numerous maps will be included, showing the area school districts, hospitals, police stations,

and fire stations. There will listings of local churches, civic organizations, and services for seniors.

Other topics that will be covered include the environment, gardening, the arts, the military, parks, libraries, sports, business highlights, housing, high altitude cooking, and much more.

All the information is categorized and indexed, making

the Answer Book a valuable reference source.

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NATIONAL

Disability bill clears Senate; awaits Bush OK

President expected to sign next week

WASHINGTON (AP) — Legislation hailed as an "Emancipation Proclamation" for 43 million disabled Americans cleared its final congressional hurdle Friday, and President Bush was expected to sign it into law as early as next week.

"It will change the way we live forever," Sen. Tom Harkin, D-Iowa, said after the Senate voted 91-6 to approve the Americans with Disabilities Act.

Sen. Edward Kennedy, D-Mass., said the bill would allow millions of people to "look forward to the day when they will be judged by the strength of their abilities, not misconceptions about their disabilities."

The bill defines as disabled anyone who has a mental or physical impairment limiting "some major life function." It protects the disabled from discrimination in employment, public accommodations, transportation and telecommunications.

"This legislation will serve as a declaration of independence for millions of persons with disabilities in this country," Bush said Friday.

White House spokesman Marlin Fitzwater said the president would sign the bill into law as soon as a

Arkansas's votes

■ Democratic Sens. Dale Bumpers and David Pryor voted for the disabilities bill

■ Some Arkansans 'thrilled'/1B

ceremony could be arranged — probably as early as next week.

Throughout the more than nine months of debate, various lawmakers spoke of disabled friends and relatives. Just before the final Senate vote Friday, Harkin gave a dramatic tribute to his brother Frank, who is deaf.

Harkin, chief Senate sponsor of the bill he termed a "20th century Emancipation Proclamation," addressed his colleagues in sign language: "I wanted to say to my brother Frank that today was my proudest day in 16 years in Congress."

Sen. Orrin Hatch of Utah, a principal Republican co-sponsor, became misty-eyed when he spoke of the travails and accomplishments of a brother-in-law who has polio.

The disabilities bill, like other major civil rights legislation, includes a variety of sanctions for violators, including those found to



Associated Press

HAPPY SCENE: Rep. Stony Hoyer, D-Md. (left) and Sen. Orrin Hatch, wiping a tear of joy, celebrate the passage of a bill guaranteeing a full range of civil rights to Americans with disabilities Friday.

have been engaged in job discrimination. It follows current civil rights law by allowing victims of employment discrimination to seek back pay, reinstatement and attorneys' fees.

Bush voiced agreement "in principle" with such legislation early in his term, but the measure that ultimately emerged from Congress was most vocally supported by Democrats.

Voting against the bill were: Sens. Christopher S. Bond, R-Mo.; Jake Garn, R-Utah; Jesse Helms, R-N.C.; Gordon Humphrey, R-N.H.; Steve Symms, R-Idaho; and Malcolm Wallop, R-Wyo.

Not voting were Sens. Jay

Rockefeller, D-W.Va.; James A. McClure, R-Idaho, and Alan K. Simpson, R-Wyo.

The bill was conceived in 1988 by the National Council on Disability, a 15-member commission appointed by President Reagan. The original legislation, co-sponsored by Harkin and then-Sen. Lowell Weicker, R-Conn., was scuttled because of various problems.

The Senate passed the bill in September by a 76-8 vote. The House didn't vote until this spring, approving the bill 403-20.

The final hurdle was an amendment on the House floor that would have let employers reassign AIDS-infected workers from

food-handling duties.

Under an agreement reached early Thursday by House and Senate negotiators, AIDS-infected workers could be reassigned only if the Department of Health and Human Services found that the disease could be passed along through contact with food.

HHS Secretary Louis Sullivan and other government officials say no evidence exists that AIDS is spread that way.

In an effort to ease its impact on business, lawmakers included language phasing in the bill's requirements. The bill also exempts from the hiring provisions businesses with fewer than 15 employees.

Saturday morning

Teen suspect

16-year-old tells officials he set blaze at Gilley's

Page 25A



Spice up the yard

They're right for Houston: Ginger plants don't wilt when the going gets hot

Houston

Flying high

Dow Jones average jumps above 3,000, then drops back

Business



Sacred sites looted

Thieves help themselves to ancient religious objects precious to Hopi culture

Religion

Houston Chronicle

Vol. 89 No. 274

Saturday, July 14, 1990

25 Cents ★★★

Fear of flying? Alcoholic pilots targeted for rehab

By ERIC WEINER
New York Times

Bruce K. is a pilot who flies Boeing 727s for a major airline. He is also a recovering alcoholic.

Until about three years ago, he routinely showed up to work only three or four hours after a night of heavy drinking. (Federal rules prohibit a pilot from drinking within eight hours of flying.)

"As long as I got some sleep and ate some mints, I figured I was OK," he said.

To hide the fact that he was too drunk to fly, he devised other ways to hide it, like assigning his co-pilot to fly the first flight of the day.

Finally, with his family life in tatters and his job in jeopardy, he reached what he called his "personal bottom."

At the urging of his wife, he entered an in-patient treatment

program at a hospital in the Middle West.

Seven months later he was back at work, earning the same pay and retaining his seniority.

Today, he is a counselor in a support group for alcoholic pilots. And his group is one of many.

About 1,200 airline pilots have been treated for alcoholism and have returned to the cockpit since the government began a rehabilitation program for such pilots 15

years ago, said Dr. Burton Pakull, chief psychiatrist at the Federal Aviation Administration.

The rehabilitation programs are the most visible sign of an industry still wrestling with the problem of alcoholism.

Statistics on pilots with drinking problems are virtually impossible to come by, but industry and government officials said they believed that treatment programs are not reaching all pilots who drink too

much.

And although most pilots in treatment programs say they never mixed drinking and flying, Bruce K. is not alone among pilots who said that they have flown while drunk.

"There are probably a number of early-stage alcoholics flying," said Gary Kohn, corporate medical director for United Airlines.

"We don't pretend we screen out all substance abusers, but we do screen out some."

The arrest of three Northwest pilots in May, charged with flying while under the influence of alcohol, has brought new attention to the issue.

The pilots, who have since been dismissed by Northwest, have denied the charges.

Their trial is scheduled to start July 25 in U.S. District Court in Minneapolis. If convicted, they

See PILOTS on Page 14A.

**Disability
legislation
wins praise**

Fire down below

**Tschirhart
cleared by**

Disability legislation wins praise

Bush's signature expected in week

By **NANCY MATHIS**
Houston Chronicle Washington Bureau

WASHINGTON — Newly adopted legislation barring discrimination against the disabled will bring first-class citizenship to 43 million people long denied a piece of the American dream, lawmakers said Friday.

The measure, given final approval Friday morning on a 91-6 Senate

■ **Advocates say the bill should usher in more positive attitudes toward the disabled: Page 25A.**

vote, will be signed next week by President Bush, a White House spokesman said. The measure passed the House Thursday night on a 377-28 vote.

"We consider passage of this important civil rights legislation to be among the most important accomplishments of the administration," said Marlin Fitzwater, Bush's spokesman.

But opponents predicted a legal nightmare as the courts struggle to define the scope and meaning of one of the most sweeping expansions of civil rights laws in years.

The Americans With Disabilities Act, for the first time, would extend legal protections to the physically or mentally disabled in the workplace.

See **DISABILITY** on Page 14A.

Fire down below



Firefighters attempt to subdue a blaze that severely damaged an unfinished subway tunnel in Los Angeles. The fire collapsed a section of the tube and forced closure of the Hollywood Freeway, causing a massive traffic jam that backed up

vehicles for miles. Air heated zooka" effect, spurting flames: ends of the tunnel. Only mind ever: **Page 16A.**

FBI probing Islamic group's claim in ARCO blast despite skepticism

By **BILL DiSESSA**
and **CINDY HORSWELL**
Houston Chronicle

The FBI is investigating an extremist Islamic group's claimed responsibility for the explosions and fire that killed 17 workers at ARCO Chemical Co.'s Channelview plant, but officials are skeptical.

A spokesman for the Islamic Liberation Front told The Associated Press on Friday that the plant was attacked July 5 because the United States supports Israel despite "its killings and terrorism against our

Palestinian families" in the occupied West Bank and Gaza Strip.

He refused to elaborate on the purported terrorist operation for "security reasons."

U.S. State Department spokesman David Weller said the sabotage report is viewed as far-fetched by federal officials.

"There is absolutely no information to substantiate the reputed claim," he said.

The Occupational Safety and Health Administration and Harris County Fire Marshal's Office, which are investigating the blast, echoed that statement.

"We don't have anything to lead us to believe there was a bomb in there. Sounds like someone's trying to get some publicity to me," said Richard Bailey, the county's chief investigator.

U.S. Rep. Jack Fields, R-Humble, said FBI Director William Sessions told him the claim will be investigated by terrorism experts.

Fields also dismissed the report, however, saying, "I think in all probability this is an opportunistic press release."

In Houston, FBI spokesman

See **ARCO** on Page 15A.

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Houston's Family Newspaper
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Weather

Houston and vicinity: Partly cloudy with a 30 percent chance

Feuding lawyers ordered to write 10-page essays

By **JULIE MASON**
Houston Chronicle

Two attorneys whose hostile exchanges at a deposition escalated to fisticuffs were ordered by a judge Friday to submit handwritten, 2,000-word essays on professionalism.

"If they act like little children, I'm going to treat them like little children," said state District Judge Dan

The Roseate, a shelter for battered women.

Defendant's attorney Tarpey, who was also fined \$2,000, refused to comment on the sanctions. Neely said he was surprised at the order but does not intend to appeal.

"I will take my medicine, and I will do what I'm told to do," Neely said.

The sanctions grew out of a series



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Associated Press

Rep. Steny Hoyer, D-Md., left; Sen. Orrin Hatch, R-Utah, wiping a tear; and Justin Dart, head of the president's commission on employing the dis-

abled, in cowboy hat, join a Capitol Hill celebration of the passage of a bill guaranteeing a full range of civil rights for the disabled.

Disability

Continued from Page 1A.

businesses, transportation and telephone services.

"This is an important step toward making the American dream available to all," said Sen. Tom Harkin, D-Iowa, Senate sponsor of a measure that touched many members personally, bringing some to tears in rare emotional displays on the Senate floor.

Harkin addressed the Senate in sign language in a moving tribute to his hearing-impaired brother.

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"To the 43 million people with a disability the passage of ADA means the end of second-class citizenship in the United States," said Wright, who also is disabled.

Involving lawmakers personally acquainted with the disabled was no accident either: one in six Americans has some form of disability. The measure was originally sponsored by former Connecticut Sen. Lowell Weicker and former California Rep. Tony Coelho. Both have disabled relatives.

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Among the key provisions of the Americans With Disabilities Act:

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- Amtrak, commuter rail systems and local and inner-city bus systems will have to provide areas for disabled passengers, including those in wheelchairs.

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Chronicle

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"No bill has ever been able to legislate attitudes," Wright said. "But when you level the playing field and more disabled people are out in the public, out shopping, out working and out recreating, that's how you change attitudes."

Lawyers

Continued from Page 1A.

against his former business partner. At one point during a deposition, Neely called Tarpey a liar and Tarpey invited Neely to step outside.

"Let's go out and have a fistfight, pal. When you start questioning my integrity like that, we're going to have a fistfight," Tarpey said.

Additional pages of transcript submitted to the court show the attorneys cursing at each other and lobbing assorted threats. Neely's client at one point began to referee.



Downey

"Gentlemen, please," said plaintiff Thomas Leys.

According to Neely, the dispute escalated into a shoving match and Tarpey allegedly threw a punch.

A court reporter allegedly jumped out of her seat and ducked for cover, Downey said. Neely acknowledged the reporting firm has refused to tape more depositions in the case.

Neely filed a motion for sanctions against Tarpey, citing the cursing and alleged physical violence, and accused Tarpey of "shaking his finger in a threatening manner."

Downey conducted a hearing on Neely's motion during which he admonished the two that, "This is not a hearing where lawyers pull out all of their dirty laundry on each other and present it to the court."



Tarpey



Neely

Although the motion was filed by Neely for sanctions against Tarpey, Downey said he found the attorneys' behavior so reprehensible that he punished both.

"It's too bad because the vast majority of lawyers don't act like this, but when they do, it soils the entire profession," Downey said. "This little exchange won't disappoint the public at all. It really lives up to people's low expectation of lawyers, which is a shame."

The attorneys have 60 days to turn in their essays. Each is expected to be about 10 pages, handwritten, on the importance of professionalism among lawyers.

Tarpey and Neely have 15 days to present themselves at The Roseate to begin their 30 and 20 hours respectively of community service. Previously, Downey has ordered attorneys to perform community service at Children's Protective Services.

Marty Swaggerty, spokeswoman for The Roseate, said Downey contacted the shelter recently to discuss what the attorneys could do there.

"Because we are a shelter for battered women, we have a lot of people here who need legal assistance with orders and divorce proceedings, stuff like that," Swaggerty said.

Pilots

Continued from Page 1A.

could face up to 15 years in prison.

"The Northwest incident establishes very clearly that there is a great potential for tragedy," said Stephen Hilton, spokesman for Sen. John C. Danforth, R-Mo. Danforth is sponsoring a bill that would require random alcohol testing of pilots.

Only testing for illegal drugs, like marijuana or cocaine, is required.

But some experts fear that alcohol testing simply will force pilots who drink to seek treatment without the airline's knowledge, as was the case before the rehabilitation program began in 1975.

Since the arrest of the three Northwest pilots, counselors have reported an increase in the number of pilots seeking help for alcoholism.

"All of us in the industry are glad that the incident was publicized," said Chuck G., a retired pilot from Seattle who was one of the first to be treated in the rehabilitation program. "It was a good warning to people."

Since 1983, there have been only 16 airline accidents in which drug or alcohol use by pilots was found to be a factor, according to the National Transportation Safety Board.

The 16 accidents involved commuter airlines and charter flights.

But about 6 percent of all accidents in private aviation are traced to drug or alcohol use.

Since 1984, 61 professional pilots have had their licenses suspended or revoked for flying while drunk.

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p. 1

Disability legislation wins praise

Bush's signature expected in week

By **NANCY MATHIS**

Houston Chronicle Washington Bureau

WASHINGTON — Newly adopted legislation barring discrimination against the disabled will bring first-class citizenship to 43 million people long denied a piece of the American dream, lawmakers said Friday.

The measure, given final approval Friday morning on a 91-6 Senate

Advocates say the bill should usher in more positive attitudes toward the disabled: Page 25A.

vote, will be signed next week by President Bush, a White House spokesman said. The measure passed the House Thursday night on a 377-28 vote.

"We consider passage of this important civil rights legislation to be among the most important accomplishments of the administration," said Marlin Fitzwater, Bush's spokesman.

But opponents predicted a legal nightmare as the courts struggle to define the scope and meaning of one of the most sweeping expansions of civil rights laws in years.

The Americans With Disabilities Act, for the first time, would extend legal protections to the physically or mentally disabled in the workplace,

Continued from Page 1A.

businesses, transportation and telephone services.

"This is an important step toward making the American dream available to all," said Sen. Tom Harkin, D-Iowa, Senate sponsor of a measure that touched many members personally, bringing some to tears in rare emotional displays on the Senate floor.

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Chronicle

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article to
Justin Dant



Associated Press

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Local & State

Woman tells of terror; kick robber suspect denied bond

By JOHN MAKEIG
Houston Chronicle

The alleged leader of a group of so-called kick robbers was ordered held without bond after a Meyerland woman described how he terrorized her family on July 4.

State District Judge Charles Hearn took the step in the case of Charles Emmitt Morris, 22, now charged with burglary, two robberies and one rape.

Morris previously might have had

to post only \$20,000 in bonds on the four felony cases.

About 40 other victims and Meyerland residents came to Hearn's courtroom to watch the first of what may be many hearings on the six kick robber defendants.

While many victims of the string of residential robberies could not identify defendants because they wore ski masks, prosecutor Leslie Brock called one woman whose identification was unshakable.

She said she heard a loud sound at the front door of her house on the

evening of July 4.

"I got up and opened my bedroom door and there were three men pointing guns at me," she testified.

After forcing her and her husband to sit in bed, the trio stripped them of their rings and began demanding cash. Morris, she indicated, was leader of the armed men who entered her home on Willowbend.

"He put the gun to my husband's temple and said, 'If you don't tell us where the money is I'll blow (his) brains out.'"

The robbers left after tying up the

couple, their daughter, the woman's 87-year-old mother and a young man who attended college with the daughter.

Although the woman did not describe it in testimony, Brock said Morris and his co-defendants also molested the couple's daughter in another room.

Because the robbers wore masks and gloves, Morris' lawyer, Sam Knight, tried without success to challenge the woman's unwavering identification of his client.

Knight asked her numerous times

if she had used the word "positive" or "positively" to tell detectives that Morris was the leader of the robbers.

While she didn't use that word, she replied repeatedly that she was "sure" it was him.

Asked how she could be so certain, she began calmly describing in great detail the distinctive eyes and eyebrows that she saw behind his mask, the way he walked and the "nice gentle" voice she heard when he was making threats.

His efforts to camouflage his voice by talking "jive" at a July 6 line-up

at the police station failed to confuse her, she said. And she said she easily recognized his ski mask by the way its mouth hole had been sewn with "a zigzag machine."

Another bond hearing before Hearn is pending on another kick robber suspect, Andre White, now jailed in lieu of \$20,000 in bonds.

Brock said it's not known yet how many robberies the group committed in southwest Houston, but he said identification has been a real problem for many victims.

Disabled rights bill lauded

Area residents see 'fair shake' in act

By SUSAN WARREN
Houston Chronicle

A sweeping civil rights bill for the



El Paso County jury indicts jailed rapist in slayings

EL PASO (AP) — An El Paso County grand jury Friday indicted a jailed rapist on serial murder charges in the slayings of six women and teen-agers whose bodies were found in the desert three years ago.

David Leonard Wood, 33, of El Paso was charged after new evidence was presented to a grand jury

Under Texas' serial murder law, Wood faces either life in prison or death by injection if he's convicted.

The victims were Wheatley; Karen Baker, 20; Dawn Smith, 14; Angelica Frausto, 17; and Ivy Susanna Williams, 23, all of El Paso. Maria Rosa Casio, 24, was from Addison.

The indictment came Wednesday.

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By **SUSAN WARREN**
Houston Chronicle

A sweeping civil rights bill for the disabled should usher in a new era of more positive attitudes toward the handicapped, advocates for the disabled said Friday.

Disabled children, in particular, will benefit from growing up in a world where they now have the same opportunities as others, said Joyce Frieden, a paraplegic and member of the Houston Coalition for Barrier Free Living.

"I'm ecstatic. This is kind of like Congress has finally said that we, as a people, count in the United States. So long after they created our Constitution that said all men were created equal, we're finally getting a fair shake," Frieden said.

The Americans with Disabilities Act was adopted in a 91-6 vote in the Senate Friday, and passed 377-28 in the House Thursday. It will now go to President Bush, who has indicated he will sign the bill.

The measure provides the same civil rights protections to the disabled that are extended to women and minorities. It would prohibit discrimination against the disabled in such areas as employment, public accommodations, transportation and communications services.

The Houston district office of the Equal Employment Opportunity Commission, which will enforce the employment portion of the bill, expects to be kept busy by complaints once the law goes into effect two years after the president signs it.

Until then, the Houston EEOC office will be busy training investigators to handle complaints and helping employers understand what is required.

Businesses will have to examine their work forces and figure out what accommodations can be made for the disabled, said Harriet Joan Ehrlich, district director of the Houston EEOC office.

In most cases, the accommodations that are needed are minimal and not expensive, she said. Many changes are as minor as installing special doorknobs, raising or lowering a desk, or providing extra-large typefaces.

"One of the things I guess this law will do is force everyone to question the assumptions that people have of this so-called mythical American, who is a white male in his late 20s, 5 foot 10, 165 pounds in perfect physical and mental condition. The work place has really been designed to meet something like that," Ehrlich said.



David Fahles

Filly her up

It was a bit cooler Friday, but Taffy, a 7-year-old Belgium Palomino, still appreciates a cool drink from Tim Martin. Martin and the horse work for Executive Carriage Co., 508 Webster. Friday's

official high at Intercontinental Airport. The National Weather Service expects the high to be in the 90s, but tonight's low to the mid 60s.

Pasadena boy reportedly ac

By **BILL DISESSA**
Houston Chronicle

A 16-year-old boy, despondent over a family problem, set the fire that gutted legendary Gilley's Club in Pasadena, officials said Friday.

The Pasadena teen, accompanied by a friend, surrendered to arson investigators at 2 p.m. and signed a

statement detailing the July 5 blaze at the abandoned honky-tonk, authorities said.

Pasadena Fire Marshal Bill Yearout said the youth, whose name was withheld because he is a juvenile, indicated he started the fire "to release anger" over domestic woes.

Yearout said he is confident the boy is not lying about the blaze.

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Huffman ISD's status lower

Accreditation drops after officials find 15 deficiencies

By **RUTH PILLER**
Houston Chronicle

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A report of more than 100 pages was issued by the TEA July 2 that

District Superintendent

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Frieden, a paraplegic and member of the Houston Coalition for Barrier Free Living.

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In most cases, the accommodations that are needed are minimal and not expensive, she said. Many changes are as minor as installing special doorknobs, raising or lowering a desk, or providing extra-large typefaces.

"One of the things I guess this law will do is force everyone to question the assumptions that people have of this so-called mythical American, who is a white male in his late 20s, 5 foot 10, 165 pounds in perfect physical and mental condition. The work place has really been designed to meet something like that," Ehrlich said.

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The restaurant industry had supported an amendment that would have permitted restaurant owners to reassign — but not fire — food handlers who are infected with the

See DISABLED on Page 31A.



David Fahles

Filly her up

It was a bit cooler Friday, but Taffy, a 7-year-old Belgium Palomino, still appreciates a cool drink from Tim Martin. Martin and the horse work for Executive Carriage Co., 508 Webster. Friday's

official high at Intercontinental Airport. The National Weather Service expects the high to be in the 90s, but tonight's low to the mid 60s.

Pasadena boy reportedly ac

By BILL DISESSA
Houston Chronicle

A 16-year-old boy, despondent over a family problem, set the fire that gutted legendary Gilley's Club in Pasadena, officials said Friday.

The Pasadena teen, accompanied by a friend, surrendered to arson investigators at 2 p.m. and signed a

statement detailing the July 5 blaze at the abandoned honky-tonk, authorities said.

Pasadena Fire Marshal Bill Yearout said the youth, whose name was withheld because he is a juvenile, indicated he started the fire "to release anger" over domestic woes.

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By RUTH PILLER
Houston Chronicle

A state agency lowered the accreditation status of the Huffman Independent School District after a review of the northeast Harris County district earlier this year found 15 deficiencies, officials said Friday.

"They are not meeting . . . all the mandates," said Joey Lozano, a spokesman for the Texas Education Agency. "They are having some kind of problems meeting what is required under law for them to offer in their education program."

The decision by the TEA lowers the four-school district's status from "accredited" to "accredited, advised," which is one step above "academically unaccredited," Lozano said. The status was lowered after a visit by a TEA accreditation team last February, he said.

The 2,000-student district has three years to return to accredited status; if the district's status is not raised in that time, the district will lose its accreditation.

Lozano said the TEA team's visit was routine; each public school district in the state is visited by an

accreditation team every six years.

A report of more than 100 pages was issued by the TEA July 3; that report details the team's findings, and describes 15 corrective actions the district must take to regain its higher status.

"That is a relatively small number," Lozano said. "We have had districts that had more than twice as many (corrective actions)."

Included in the corrective actions is a description of behavior considered appropriate for board members and district staff, Lozano said. Board members, for example, will be limited to roles as policy-makers and program appraisers, and can not serve as investigators of complaints.

The report also calls for more library books and better computer technology. For example, the district's high school, Hargrave High School, is required to have 10 library books per student, but has 7.5 books per student, principal Bob Crager said.

The TEA will send a technical assistance team to meet with Huffman board members and officials, to discuss the report and to set deadlines for following the TEA's recommendations. Lozano said no date has been set for the meeting.

District Superintendent Hall could not be reached for comment.

Richard Shafer, president of the Huffman ISD board, said the decision was not unexpected.

He said, however, that the district does not have a problem with the TEA's recommendation for a three-year period.

Crager agreed. "I'm really trying to say, 'I'm in your endeavors, just as you are in ours. We are fully confident at this time, we will be able to meet the challenge.'"

Shafer said the board will meet Monday night, and will likely meet with a TEA representative at the next meeting.

"We needed to base our decisions on what steps we've taken, to have problems we could remedy the next time we meet."

"The result (of the visit) is basically a list of problems we've had in the past. That was mainly the reason for the lowered," Shafer said.

Shafer referred to

See HUFFMAN

Chicago	66/59	74/60/c	75/60/c
Cincinnati	70/62	0.04	76/63/r
Cleveland	68/59	0.70	78/62/r
Columbus, Ohio	69/60	0.06	80/64/r
Concord, N.H.	79/58	0.01	83/51/s
Denver	79/50		82/57/pc
Des Moines	74/56	0.02	79/52/pc
Detroit	72/61	0.03	73/61/r
Duluth	80/39		77/50/s
Fairbanks	68/52	0.03	68/50/pc
Fargo	79/53		86/55/s
Flagstaff	79/54	0.98	78/52/ts
Greensboro	89/70	0.38	82/70/ts
Hartford	80/58	0.18	79/59/c
Helena	95/57		85/54/pc
Honolulu	88/73		88/73/s
Indianapolis	64/58	0.03	71/60/r
Jacksonville	93/72	0.05	90/73/ts
Juneau	59/48		58/49/r
Kansas City	73/58	0.50	76/53/c
Knoxville	79/68	2.55	81/68/r
Las Vegas	107/86		105/79/ts
Little Rock	82/66	0.26	81/60/pc

Orlando	90/72	0.83	92/74/ts
Philadelphia	65/60	0.89	78/65/r
Phoenix	110/86		107/84/pc
Pittsburgh	63/59	0.21	78/61/ts
Portland, Maine	77/61	0.01	79/53/s
Portland, Ore.	88/58		92/60/s
Providence	75/57	0.47	77/58/c
Raleigh	90/70	0.27	85/71/ts
Reno	92/61	0.45	97/62/ts
Richmond	76/71	0.17	86/68/ts
Sacramento	107/73		106/70/s
Salt Lake City	92/68		95/65/pc
San Diego	80/70		81/70/pc
San Francisco	74/57		73/55/s
San Juan	89/77	0.01	88/76/r
Santa Fe	58/MM		81/56/pc
Seattle	83/55		84/58/s
Shreveport	78/69		81/60/s
St. Louis	74/64	0.05	74/60/c
Sault Ste. Marie	75/47		79/48/s
Syracuse	78/54		81/56/r
Topeka	74/58	0.14	75/53/pc
Tulsa	78/60		79/57/pc
Washington, D.C.	66/63	0.53	86/74/r

Casablanca	70/60/f	
Copenhagen	65/50/pc	
Dakar	89/72/f	
Dublin	69/49/f	
Geneva	81/59/f	
Halifax	77/52/s	
Helsinki	70/49/pc	
Ho Chi Minh	84/76/r	
Hong Kong	85/75/c	
Jerusalem	79/60/f	
Karachi	90/69/c	
Lagos	93/73/pc	
Lisbon	79/62/f	
London	82/54/f	
Madrid	91/70/pc	
Malta	82/69/pc	
Manila	91/75/ts	
Montreal	82/55/s	
Moscow	63/53/c	
Nairobi	78/50/pc	
New Delhi	104/78/pc	
Nice	80/61/f	
Oslo	69/51/f	
Ottawa	82/61/s	
Paris	84/59/f	
Pretoria	68/49/f	
Riyadh	112/81/f	

Latin America

Acapulco	90/75/pc
Barbados	88/72/c
Bermuda	91/77/pc
Bogota	63/51/c
Bridgetown	91/75/f
Buenos Aires	67/47/f
Caracas	86/69/pc
Freeport	92/77/pc
Guadalajara	80/64/na
Havana	90/74/c
Kingston	89/76/f
Lima	77/64/c
Mazatlan	87/68/c
Merida	91/74/c
Mexico City	74/54/c
Monterrey	93/75/pc
Nassau	85/76/ts
Panama	90/73/pc
Port Of Spain	86/73/pc
Rio de Janeiro	81/59/f
San Salvador	90/68/pc
St. Thomas	90/78/r
Tegucigalpa	79/64/c
Veracruz	87/69/pc

KEY TO CONDITIONS: c=cloudy; dr=drizzle; f=fair; h=hazy; pc=partly cloudy; r=rain; s=sunny; sh=showers; sn=snow; ts=thundershowers; w=windy.

Disabled

Continued from Page 25A.

HIV virus, which causes AIDS.

Both the House and Senate dropped the amendment before passing the bill. Rex said the absence of the clause could prove disastrous to restaurant owners who must cope with public prejudices against HIV carriers.

But Joyce Yost, director of education for AIDS Foundation Houston Inc. applauded Congress for leaving out the amendment, saying it would have hurt efforts to educate people that HIV cannot be transmitted through such casual contact as food handling.

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For example, Metro has begun replacing its retiring city buses with new models that include wheelchair lifts, and Southwestern Bell has plans to install special devices for the deaf at both airports this year to enable them to, in effect, use pay phones.

But much work remains to be done, she said.

News accounts about the civil rights act for the disabled has already increased awareness about the special needs of the handicapped, Ehrlich said.

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The Houston EEOC office referred 59 local complaints to the state last fiscal year, and has already referred 79 in the first nine months of this year, Ehrlich said.

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Paul S. Howell / Chronicle

Katherine Jager, an Equal Employment Opportunity Commission investigator, uses an adjustable tabletop and a hand apparatus for computer work in her office. Both devices are made especially for handicapped people.

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"This principle is so basic to our social contract that it seems a shame that these laws are even necessary."

Examiner

A Texas Water Commercial recommended Friday ton Chemical Services In versial bid to burn hazar near La Porte homes be

Hearing examiner Bill in a three-page summ findings, cited concerns proposed incinerator's lo sign and planned emissio

He also questioned the waste analysis and finan

La Porte City Manage rera said he was "extrem

"It shows a lot of the c

Indict

Continued from Page 25

a jury does not have t Wood committed all six

Wood's wife, who lives did not answer calls to Friday.

Erika Dismukes, the Cheryl Lynn Dismukes, s angry that Wood was ind

"David had nothing to Maybe he knows someth

Huffman

Continued from Page 25.

climaxed, in February, w igation of Superintendent Shands. He resigned rathe a termination hearing link ges of perjury and tamp government records. Shar spent 18 years with the d

Hall, a retired Round R intendent and education from San Antonio, w:

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Disabled rights bill lauded

Area residents see 'fair shake' in act

By SUSAN WARREN
Houston Chronicle

7-14-90

A sweeping civil rights bill for the disabled should usher in a new era of more positive attitudes toward the handicapped, advocates for the disabled said Friday.

Disabled children, in particular, will benefit from growing up in a world where they now have the same opportunities as others, said Joyce Frieden, a paraplegic and member of the Houston Coalition for Barrier Free Living.

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'MAME' GLITTERS UNDER THE STARS — IN STYLE/E-1



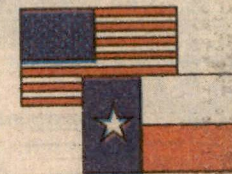
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Not so hot.
Slight chance of showers.
High 89, low 66.
Details, page A-32

The Houston Post

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★ FINAL EDITION

Grand jury clears Tschirhart

Gorbachev rejects aid with strings

Moderates fill new Central Committee

ASSOCIATED PRESS

MOSCOW — Mikhail Gorbachev closed the Communist Party's 28th congress Friday by saying he would welcome Western aid without political strings, and warning of a gap between the party and the people.

The congress elected a new 412-member Central Committee that

Exodus of overjoyed Albanians reaches Italy



Secret vote marks 2nd time ex-officer no-billed in killing

Family of slain security guard pledges not to give up on case

BY KATHERINE KERR
OF THE HOUSTON POST STAFF

In a close vote, a Harris County grand jury decided Friday not to indict former Houston police officer Scott Tschirhart in the death of security guard Byron Gillum last November.

The 208th District Court grand jury's action, a secret 7-5 vote not to charge Tschirhart with any crime, is the second time the ex-officer has been cleared by a grand jury in the case.

"I'm pleased again for the umpteenth time," said

The congress opened July 2 with a demand from a miner that Gorbachev and the entire leadership resign. The meeting hit its emotional peak on Thursday when Yeltsin announced his resignation from the 18-million member orga-

Please see **SOVIETS, A-15**

Abortion bill awaits action in Louisiana

Louisiana Gov. Buddy Roemer said he may allow the nation's strongest abortion bill to become law without signing it. "I will either veto the bill or allow it to become law without my signature," he said.

□ **DETAILS/A-3**

stayed there for about six minutes before sellers pushed it back into more familiar territory.

"We were all expecting it, it was just a question of what time," said Richard Daniele, a vice president of Prudential-Bache Securities Inc. "It's always a little strange when it happens on Friday the 13th."

Please see **DOW, A-17**

of its component stocks are bought or sold in large transactions. It only took a couple of big buy orders to vault the index up more than 30 points and past 3000 at 1:34 p.m. EST. The index hit a peak two minutes later at 3002.97, and went back

a.m. p.m.
Jan. 18, 1966: Reaches 1,000 for the first time in mid-session, but drops back to 994.20.
Jan. 8, 1987: Breaks the 2,000 level for the first time, rising 8.30 to 2,002.25.

driving home Nov. 15 near the University of Houston's main campus. The officer later told investigators he opened fire at 1:05 a.m. when Gillum reached for a .357 Magnum on the front seat of his car.

Shot eight times, including four times in the back as he scrambled out the passenger window of his car,

Please see **TSCHIRHART, A-16**

'Despondent' Pasadena boy, 16, admits burning Gilley's

By **DOUGLAS FREELANDER**
OF THE HOUSTON POST STAFF

A 16-year-old Pasadena boy confessed Friday to setting the three-alarm fire July 5 that destroyed Gilley's, the Pasadena nightclub made famous by the movie *Urban Cowboy*, an official said.

Pasadena Fire Marshal Bill Year-

out said the youth was charged with two counts of engaging in delinquent conduct involving arson fires at Gilley's and the Parkview Intermediate School in January.

The school is about four blocks west of the nightclub, which closed last year after a legal dispute erupted between singer Mickey Gilley and Sherwood Cryer, his former

partner.

Yearout said a tip led authorities to suspect the youth, who attends Parkview and lives near the school.

"He came in today to clear it up. He wanted to get it off his chest," Yearout said.

Asked to elaborate on how the boy got inside the building and how he set the fire, Yearout said he

could not discuss details since a court proceeding is pending. "He entered a vacant building and set it on fire," was all Yearout would say.

Yearout said the boy told him he set Gilley's afire because "he was despondent over family matters."

The marshal said there is nothing to connect the blaze to Mickey Gilley himself, despite Cryer's con-

tention that his former partner wanted the honky-tonk destroyed. Gilley was performing out of the state at the time.

Yearout said the youth was placed in Harris County juvenile detention facilities in Pasadena. It will be up to a court to determine

Please see **ARSON, A-16**

Good morning . . .

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RICHARD REEVES ASKS . . .

Peace at any price? How about defense-related jobs of 340,000 American civilians? A-31

Classified ads 940-0000

Officials doubt Arco blast triggered by Islamic group

By **S.K. BARDWELL**
OF THE HOUSTON POST STAFF

Little credence is being lent to claims by an Islamic extremist group that its agents are responsible for an explosion at the Arco Chemical Co. Channelview plant that killed 17 people.

Federal authorities began investigating the claim shortly after it was delivered Friday to the Associated Press at its office in Amman, Jordan. But authorities said there were absolutely no indications that the July 5 blast was anything but an accident.

Charles Kearney, special agent in charge at the Houston FBI office, acknowledged Friday the FBI had been asked to join in the investigation of the blast. He would not elaborate, citing long-standing FBI policy of not commenting on investigations in progress.

Congressman Jack Fields said he had contacted FBI Director William Sessions "to urge a full investigation of the possibility of sabotage and terrorism." But Fields said, "My own gut feeling is that the Arco explosion was the tragic result of human or equipment error at the plant — not the result of a terrorist act."

A Secret Service agent who did not wish to be identified said Friday one reason the claim is viewed as a probable hoax is because security at Arco was "extremely intense" at the time the blast occurred.

The agent said Houston and surrounding areas had been saturated with federal agents for some time before the Arco explosion, in preparation for the 1990 Economic Summit



FIELDS:
"Gut feeling"

Please see **ARCO, A-16**

Senate's 91-6 vote sends disabled rights bill to Bush

ASSOCIATED PRESS

WASHINGTON — Legislation hailed as an Emancipation Proclamation for 43 million disabled Americans cleared its final congressional hurdle Friday, and President Bush was expected to sign it into law as early as next week.

"It will change the way we live forever," Sen. Tom Harkin, D-Iowa, said after the Senate voted 91-6 to approve the Americans with Disabilities Act.

Sen. Edward Kennedy, D-Mass., said the bill would allow millions of people to look forward to the day when they will be judged by the strength of their abilities, not misconceptions about their disabilities.

The bill defines as disabled any-

one who has a mental or physical impairment limiting some major life function. It protects the disabled from discrimination in employment, public accommodations, transportation and telecommunications.

"This legislation will serve as a declaration of independence for millions of persons with disabilities in this country," Bush said.

White House spokesman Marlin Fitzwater said the president would sign the bill into law as soon as a ceremony could be arranged — probably as early as next week.

Throughout the more than nine months of debate, various lawmakers spoke of disabled friends and

Please see **SENATE, A-17**

Similar fraction of the thousands of stocks traded nationwide and doesn't necessarily reflect their overall direction.

Professional investors often pay more attention to broader stock barometers, like the Standard & Poor's 500 index.

"I think it is probably of no fundamental significance," said James Kalil, president of Compu-Val Investments. "It's more of a psychological barrier."

"I think the health of this lift is increased by the fact that the market didn't go crazy on the upside today," said Alfred Goldman of A.E. Edwards & Son. However, he said, "as we go up further and reduce cash reserves and increase enthusiasm, the risk is going to rise."

Around midday, the Fed made good on that promise, adding enough funds into the banking system to push the federal funds rate to 8 percent from 8.25 percent. The federal funds rate is the interest banks charge each other for overnight loans.

The Dow average has endured as a widely watched indicator of the stock market's health since it first appeared in The Wall Street Journal in 1896, and its milestones are considered historic events in the industry.

It closed above 100 for the first time Jan. 12, 1906, closed above 1000 for the first time Nov. 14, 1972, and closed above 2000 for the first time less than four years ago, Jan. 8, 1987.

of New York Stock Exchange-listed stocks, with 954 up, 619 down and 460 unchanged.

Among actively traded blue chips, International Business Machines rose 1 to 121; General Electric 1½ to 74½; Merck ¾ to 88¾, and Eli Lilly 1 to 88½.

Motel 6 L.P. was one of the volume leaders among NYSE issues, up 2¼ at 22. Accor S.A. of France announced an agreement late Thursday to acquire Motel 6 for \$22.50 per partnership unit.

Volume on the floor of the Big Board came to 215.60 million shares, against 211.51 million in the previous session. Nationwide, consolidated volume in NYSE-listed issues totaled 259.30 million shares.

SENATE: Disabled rights bill passes on 91-6 vote

From A-1

relatives. Shortly before the final Senate vote Friday, Harkin gave a dramatic tribute to his brother Frank, who is deaf.

Harkin, chief Senate sponsor of the bill he called a 20th century Emancipation Proclamation, addressed his colleagues in sign language: "I wanted to say to my brother Frank that today was my proudest day in 16 years in Congress."

Sen. Orrin Hatch of Utah, a principal Republican co-sponsor, became misty-eyed when he spoke of the travails and accomplishments of a brother-in-law who has polio.

The disabilities bill, like other major civil rights legislation, includes a variety of sanctions for violators, including those found to have been engaged in job discrimination. It follows current civil rights law by allowing victims of employment discrimination to seek back pay, reinstatement and attorneys' fees.

Bush voiced agreement in principle with such legislation early in his term, but the measure that ultimately emerged from Congress was most vocally supported by Democrats.

Voting against the bill were: Sens. Christopher Bond, R-Mo.; Jake Garn, R-Utah; Jesse Helms, R-N.C.; Gordon Humphrey, R-N.H.; Steve Symms, R-Idaho; and Malcolm Wallop, R-Wyo.,

Not voting were Sens. Jay Rockefeller, D-W.Va.; James McClure, R-Idaho, and Alan Simpson, R-Wyo.

The bill was conceived in 1988 by the National Council on Disability, a 15-member commission appointed by President Reagan. The original legislation, co-sponsored by Harkin and then-Sen. Lowell Weicker, R-Conn., was scuttled because of various problems. Harkin sponsored the new bill last year.

The Senate passed the bill in September by a 76-8 vote. The House didn't vote until this spring,

approving the bill 403-20.

The final hurdle was an amendment on the House floor that would have let employers reassign AIDS-infected workers from food-handling duties.

Under an agreement reached Thursday by House and Senate negotiators, AIDS-infected workers could be reassigned only if the Department of Health and Human Services found that the disease could be passed along through contact with food. HHS Secretary Louis Sullivan and other government officials say no evidence exists that AIDS is spread that way.

In an effort to ease its impact on business, lawmakers included language phasing in the bill's requirements.

Congress also is trying to enact the Civil Rights Act of 1990 — a bill aimed at eliminating the effects of recent Supreme Court decisions reining in affirmative action programs.

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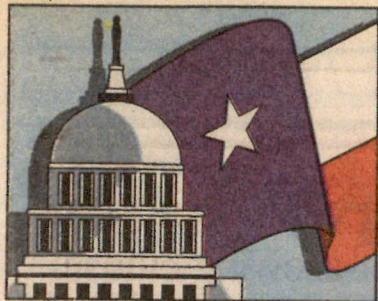
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POLITICAL PITCHING: Nolan Ryan striking out against Hightower — A-20

The Houston Post

★ THURSDAY, July 26, 1990

HOUSTON/TEXAS

A-17

Bush Library Photocopy
Preservation

Watching dream come true for disabled

BY BARBARA LINKIN
OF THE HOUSTON POST STAFF

President Bush won't be alone this morning when he signs legislation that has been called by many an Emancipation Proclamation for the disabled.

More than 1,000 disabled citizens, including a group of Houstonians, will be in Washington to witness the signing of the Americans with Disabilities Act.

Lex Frieden is one of about 15 Houstonians invited by the White House to the event. Frieden, executive director of The Institute for Rehabilitation and Research Foundation, helped draft the original bill in 1988 when he headed the National Council on Disabilities, a 15-member commission appointed by President Reagan.

The law, which protects the disabled from discrimination in employment, pub-

lic accommodations, transportation and telecommunication, signals more than changes in building codes and employment practices, the 41-year-old Frieden said.

It signals a changing attitude.

"We have a large population of people who are unable to work simply because they're labeled as disabled," Frieden said.

People with disabilities want to support themselves, he said, but until now "our system really discouraged that sort of independence."

The nation is slowly beginning to realize that the disabled have much to offer, he said.

"I think that as people get more options they'll become more important to our community," Frieden said.

Frieden has been wheelchair-bound since 1967 when a car accident left him a

quadriplegic. There are more than 200,000 people with disabilities in Houston and more than 43 million in the United States, he said.

Houston's newness makes it more accessible than some older cities, Frieden said. New building codes were passed in 1986, and the Metropolitan Transit Authority has begun replacing its fleet with new buses equipped with wheelchair lifts.

"In Houston we'll probably see fewer changes than in other cities. Houston building codes are among the best in the nation," he said. "Houston is already on the forefront."

But Susan DeVault with the Houston Center for Independent Living said the city still has a long way to go. In places such as Washington, D.C., the entire

Please see **DISABLED**, A-18



Nuri Vallbona/The Houston Post

Lex Frieden, left, and Laurie Gerken take off to witness President Bush sign the Americans with Disabilities Act into law.

Alvin all eyes as Ryan went for 300th win



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ways rises to the occasion. And if he doesn't win it, he'll go on to the next game."

"I think this is one of the most exciting nights in the sports world," Phillips said before the game. "It'll be a long, long time before anybody gets there again."

Phillips said his friendship with Ryan has spanned decades.

"I knew who he was and knew of him," Phillips said. "The whole family's been pretty close. I adopted his mom as my mom."

Phillips, who bales wheat for Ryan and used to look after Ryan's ranch when the pitcher was out of town, said he had just finished an inventory of Ryan's stock.

Ryan "is in a class by himself to last 20 years," Rasmussen said. "What got him there was work ethics."

Among Alvin folks, Ryan prefers

She has made all the other record-setters by her old schoolmate.

"We saw the first game he played in the Astrodome," Lutz said. "He's pretty pumped up now."

The satellite-dish hookup was restaurant owner Joe Saladino's first stab at converting his place into a sports bar, a move that set him back "a couple thousand dollars," he said.

Saladino — who is Ryan's age, 43 — has known Ryan since school days in Alvin and counts him as one of his regular customers.

But until Wednesday, nothing special was ever done for a Ryan game, he said.

"We've had a radio in here before, and we used to go to the Astros games," Saladino said, hastily adding, "Now we never go."

barbecue.

ATTACK: Woman beaten, robbed, set afire

From A-17

where the telephone boxes were in a back room, she returned to the showroom and heard a loud noise from the back of the business, Mauro said.

Thinking the man had fallen, Mauro said the woman went to look for him. As she entered the back room, Mauro said the man grabbed her and dragged her to the locked front door where he pulled the keys from the lock and threw them.

The assailant then pulled the woman to the back room, where he produced a large hunting knife, Mauro said. He said after the suspect took the woman's watch and rings he pulled off her pantyhose and wrapped them around her neck.

Using the stocking collar to hold the woman, Mauro said, the man produced two red cans of flammable liquid out of a bag he carried and doused both the woman and the room with the liquid.

The suspect then moved to a back door before striking a match and igniting the room, Mauro said. "He obviously thought she burned," he said. "He watched her disappear behind a wall of flame before he ran from the back door."

The attacker is described as a thin white man in his 20s or early 30s, 5 feet 8, with dirty blond hair and green eyes, Mauro said.

Anyone who thinks they saw the man or who has any information about the attack is asked to call the arson division at 225-5205.

DISABLED: Houstonians to see dream of civil rights come true

From A-17

transit system is accessible, she said.

In Houston, many stores and restaurants are still closed to the disabled, she said. DeVault said business owners should think of the changes they'll have to make as a financial investment.

"If you were in a wheelchair would you to to a restaurant that had 10 steps?" she said. "There's a whole bunch of new customers they've never had before. . . . My family avoids places that aren't accessible."

DeVault said the new legislation will force society to recognize that people with disabilities have a role to play within the community.

"They won't be able to ignore us anymore," she said. "When passengers see us on the bus with

them they'll realize it's no big deal."

Laurie Gerken with the Coalition for Barrier Free Living agreed that while Houston may be a step ahead of some places, plenty of obstacles still need to be removed. She said she has had to fight to get what others take for granted, things like an accessible bathroom, a phone she can reach or a door she can get through.

Gerken, who chairs the coalition's advocacy committee, said she, like many others with disabilities, has spent hundreds of hours writing letters and making phone calls.

"I had to appeal to the good in people if I didn't have the law to back me up," she said.

Now she says she won't have to. "We've been working on this for two years," she said. "Now it's time to celebrate."

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Springs women see 'independence day'

Bush signs law to aid handicapped

News services

WASHINGTON — On a White House lawn crowded with people in wheelchairs, President Bush signed landmark legislation Thursday banning discrimination against the nation's 43 million disabled.

"Every man, woman and child with a disability can now pass through once-closed doors into a bright new era of equality, independence and freedom," Bush said as he signed the Americans with Disabilities Act.

He called it "another Independence Day, one that is long overdue."

Two Colorado Springs women joined the crowd of 3,000 that was billed by the White House as the largest ever at a bill-signing ceremony.

Jo Waldron and Shirley Crouch run a Colorado Springs firm called Phoenix Management Inc., which works to find employment for disabled people through job fairs and runs seminars to educate corporations about how to bring disabled people into the workplace.

"He created a sense that America is our country too," said Waldron, who has been completely deaf since birth. "ADA is giving me an opportunity to participate in American society rather than be a spectator. For the first time I feel like I'm part of the country."

Waldron also serves on the President's

Associated Press



The Rev. Harold Wilke of Clairmont, Calif., center, uses his left foot to accept from President Bush, right, the pen used to sign the Americans With Disabilities Act into law Thursday at the White House.

Committee on Employment of People with Disabilities and was chosen as the nation's representative Handicapped American for 1987.

"When I heard the presidential salute I got goosebumps because I knew this was it — he was going to put the pen to paper," said Crouch, who is partially deaf and suf-

fers from rheumatoid arthritis.

The law bans discrimination against people with disabilities, including AIDS, and defines the disabled as anyone with a mental or physical impairment limiting "some major life function."

The disabilities bill includes sanctions for those who discriminate in hiring. It allows victims of employment discrimination to seek back pay, reinstatement and attorneys' fees. However, the law exempts businesses with fewer than 15 employees from the hiring provisions.

The act also prohibits discrimination caused by limiting access to public accommodations, such as restaurants, stores, museums and theaters. Employment provisions of the law will be phased in between 1992 and 1994, while the equal access measures take effect in 18 months.

To businesses worried about the new mandates, Bush called the disabled "a tremendous pool" of potential workers "who will bring to jobs diversity, loyalty, proven low turnover rate and only one request: the chance to prove themselves."

Acknowledging concerns from businesses that the law may be vague, costly or lead to endless litigation, Bush said the law would be implemented cautiously.

While Waldron considers Americans with Disabilities a landmark law, she said it's not going to solve all problems the nation's 43 million disabled people face in daily life. "Now we have the legal parameters to force participation in American society," she said. "The real test begins today."

BUSINESS HOUSTON

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WEEK AHEAD

MONDAY

— A 12-hour seminar on running a business begins at Alvin Community College Development Center, 3110 Alvin. The class also meets on Tuesday through Aug. 15. Registration 472.

TUESDAY

IN PICTURES — Susan Lutz, co-host of *Coming Attraction* review show, covers the problems of commercial and production videos as well as theater at a meeting of the Houston Association of Video Producers. Details: 11:30 a.m., 2001 Post Oak, 237-9999.

WEDNESDAY

MARKETING — The Houston Association of Video Producers focuses on using telemarketing as a tool in building business and improving customer service. The program will be presented by Chris Lutz, national accounts manager for a direct marketing division of T&T. Highlight: The latest telemarketing technology and how it is being used by major companies. The meeting: 11:30 a.m., 111 North Post Oak, Christina Lutz, 496-2680.

THURSDAY

TRAINING — The National Association of Licensing and Controls will hold a seminar on licensing for exports to the Soviet Union. The seminar, Aug. 6, 10 a.m., 5011 West Loop, basic training on U.S. export training in computer data export regulations. Contact: Lynn Cope, 229-

A COMING OF AGE FOR THE DISABLED

New federal law seeks to end discrimination

By CYNTHIA SHANLEY
OF THE HOUSTON POST STAFF

ON THE DAY President Bush signed the Americans with Disabilities Act, Steve Lufburrow had to tell two of his executives they couldn't attend a Rotary Club meeting because there were no wheelchair ramps into the building.

Lufburrow, head of Goodwill Industries in Houston, said he was angry that The Woodlands building did not show enough consideration for the handicapped to make sure they have the same access as non-disabled people.

But Jim Magdalenski, one of the two Goodwill managers turned away from the meeting, is used to such roadblocks. He has been disabled since birth.

"That kind of thing happens too often," said Magdalenski, manager of Goodwill Industries' Conroe division.

It's just one of the barriers faced by 43 million disabled Americans that is addressed in the new federal law, aimed at ending discrimination against the mentally and physically handicapped.

The law, known as ADA, guarantees handicapped Americans access to shops, businesses, public transportation, theaters, job sites and employment. It is being hailed as the most significant legislation since the Civil Rights Act of 1964.

"It marks the end of the struggle for congressional support and the beginning of a new era of opportunities," said Commissioner Max Arrell of the Texas Rehabilitation Commission in Austin.

Robert Ross, vice president and executive director of the Muscular Dystrophy Association, said, "People with disabilities

Please see ADA, C-8



Steve Lufburrow, Goodwill president, right, hopes the new act will allow non-disabled

people to better understand the problems of Leonard Odom, left, and others.

Jerry Click/The Houston Post

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FAMILY BUSINESS.....Page C-2

INTERNATIONAL TRADE.....Page C-3

SUCCESS STORY.....Page C-4

PROFILE



Alvin Lubetkin married into the business that he has made his life since 1961. Signing with the Oshman's team was a good move by this New Jersey native who put athletic aspirations aside

COVER STORY

ADA: Law seeks to end roadblocks

From C-1

are living more independent lives than ever before, and this new law can only hasten their complete acceptance into the mainstream of American life."

It's a beginning, say the disabled, who seem to weigh the legislation's impact a bit more cautiously.

"It's a terrific start," said Susan DeVault, community advocacy coordinator for the Houston Center For Independent Living. "But just like the Civil Rights Act of 1964 wasn't the end of discrimination against minorities, neither will the Americans with Disabilities Act be the end to discrimination against the disabled."

"While we're celebrating the fact that the Act has passed, the work is just starting. Now come the questions from employers and lawyers," DeVault said.

Employers, mainly small businesses, are trying to determine the cost of complying with the ADA.

Since the U.S. Equal Employment Opportunity Commission hasn't issued regulations through which the new law will be implemented, estimating the cost of compliance is difficult.

"The impact of the ADA will be hard to tell," said Les Lovell, regional director of the Texas Rehabilitation Commission. "It depends on how the act is translated into regulation. (When that happens we'll have a little better idea of what the specifics are — such as what constitutes 'undue hardship' or 'reasonable accommodation.'"

One fear is the ADA will put small businesses out of business.

Teresa Rodriguez, president of T.R. Financial Services, which employs 42 people in six subsidiaries, predicts the ADA will prove costly for many smaller companies.

"Everything is written to protect the employees and the employers get no help," Rodriguez said. "I

I don't pity them, but I understand. But I think there should be another way."

DeVault, who uses a wheelchair, says it's "ludicrous" to think ADA supporters would stand behind a law that would destroy small business.

She noted that many of the disabled, as well as their families and friends, own small businesses across the country. "Why would we want to cut our own throats?" she asked.

There will have to be some changes made, DeVault said, but employers who can show that ADA compliance will be a financial burden on their business will be declared exempt.

"We're not out to break the back of the small businessman," DeVault said.

Although the regulations are not yet written, Mary Scott Nabers, commissioner of the Texas Employment Commission in Austin, urges employers to give immediate attention to the ADA.

Employers with 25 or more workers will have two years from the July 24 date President Bush signed the bill to ensure that all company policies, procedures, hiring applications and training programs are in compliance with the law.

Employers with as many as 15 but fewer than 25 employees will have four years before they are subject to the law. Employers with fewer than 15 employees are exempt.

A "disability" is defined by the ADA as a physical or mental impairment that substantially limits one or more of the major life activities of an individual.

Employers are expected to restructure jobs, use part-time or modified work schedules, acquire or modify equipment or devices in the work place, adjust examinations, training materials or policies,

preters, and, in general, be open to feasible methods of accommodation.

Some Houston employers already hire workers with a variety of handicaps, both physical and mental and are trying to accommodate their disabled employees' needs.

T.W. Southall, manager of labor relations and equal employment opportunity in the Employer Relations Department in Exxon's Houston office, said Exxon has been an employer of the handicapped for some time.

"One program we're involved with is Vital Living, developed by the Mental Health & Mental Retardation, and the program is working out very well," Southall said.

He also said Exxon is a signatory to the Rehabilitation Act of 1973, which includes an affirmative action plan for the handicapped.

Southall expects the ADA to have only a minimal impact on Exxon's operations. "But we won't know all the ramifications until we see the regulations drafted by the EEOC," he said.

Besides Vital Living, Exxon does an annual review of career opportunities for the handicapped and the physical requirements in an effort to open more avenues.

Southall said Exxon already has made some building modifications for its disabled workers, such as a special elevator and other changes are in the works.

Shell Oil — one of the city's largest employers — also is examining the ADA to determine what changes or modifications the company will have to make, said spokesman Mark Singer.

"Reasonable accommodations will be taken on a step-by-step basis," Singer said.

Shell already plans to add additional handicapped parking spaces, make office furniture modifications, purchase Braille computer terminals and work with landlord

accessible to wheelchairs. Special telephone equipment for hearing-impaired employees has been installed, Singer said.

Jack Crumpler, vice president of public relations and advertising for The Woodlands Corp., landlord of The TPC Course where Jim Magdalenski was prevented from attending a Rotary Club meeting, said remodeling plans set to begin in September include plans for wheelchair ramps.

DeVault of the Houston Center for Independent Living said Houston is ahead of other cities in some areas of accepting the disabled as productive citizens and employees but behind in other areas.

For instance, DeVault noted the majority of Washington's transit is accessible to the disabled, and so is its subway system. "We don't have that," she said. "We still have a way to go in Houston."

As progressive as the city's facilities may be, handicapped Houstonians still face discrimination in many forms in the workplace.

DeVault described one situation at "a major Houston entity" she declined to identify. A disabled worker, confined to a wheelchair, is set apart from other employees because of his disabilities. The person is kept from using the copy machine because supervisors are afraid if the person stands up he will fall, injure himself, and sue the company.

DeVault also said when the employee needs to use the restroom, the one stall wide enough to accommodate a wheelchair is constantly out of order. DeVault and the employee believe company managers are intentionally trying to force the disabled person into leaving the company.

"But that person is a fighter and is still there enduring," DeVault said.

Lori Henning, director of rehabilitation for Goodwill Industries,



Nuri Vallbona/The Houston Post

Lex Frieden, one of about 200,000 disabled Houstonians, traveled to Washington, D.C.

to witness President Bush signing the Americans with Disabilities Act.

ing programs for the disabled, said she hears many heart-breaking stories.

Henning spoke of one incident where "a representative of a Houston law firm came to talk to some of our people about possible employment, and when the subject of salary was raised, the reply was 'I'm just here for some cheap labor.'"

Goodwill, said Henning, promotes its trainees not as disabled workers but as qualified applicants.

While discrimination against the working handicapped sometimes is deliberate, most of the time it happens because of ignorance.

"In seven out of eight cases, people are just not aware of what the disabled go through in everyday living," DeVault said.

workers he has hired are among the best employees the city could have recruited.

"They are enthusiastic, they come to work every day and disciplinary problems are unheard of," he said. "They set a shining example for others. I have nothing but plaudits for them."

James Olson, chief executive officer of the Association for Developmentally Disabled, described handicapped employees as "solid as a rock."

"Their job is their passion," Olson said. "It's fun and rewarding to work with them. It's instant gratification."

Individuals with disabilities want to support themselves, said Lex Frieden, one of about 15 Houston-

"It's a win-win situation," Evans said. "It's an opportunity for us to tap an existing labor pool that hasn't been tapped."

Increasingly, enlightened companies seek out the handicapped. With the U.S. work force growing older, many companies are finding it difficult to recruit enough workers — a situation that is likely to worsen.

David Seaver, vice president of administration for Talent Tree Inc. in Houston, said employers are beginning to realize that disabled people do a good job.

"The feedback we get from employers is always positive," Seaver said. Talent Tree has placed individuals who are wheelchair-bound,

while we're celebrating the fact that the Act has passed, the work is just starting. Now come the questions from employers and lawyers," DeVault said.

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Among the stereotypes many employers believe are:

□ Disabled employees are going to get into more accidents, which will increase the company's costs.

□ Disabled employees are sick all the time and won't show up for work.

□ Customers will be turned off by face-to-face dealings with handicapped employees, and that will hurt business.

Rod Newman, personnel manager for the City of Houston's selection services division, who has hired five disabled Houstonians in the past year to work in clerical and paraprofessional positions for the city, said the truth is that disabled workers know their physical limitations and don't take unnecessary risks.

"Over the last three years not one workers' compensation claim has been filed by a disabled city employee," Newman said.

Newman said handicapped

workers he has hired are among the best employees the city could have recruited.

"They are enthusiastic, they come to work every day and disciplinary problems are unheard of," he said. "They set a shining example for others. I have nothing but plaudits for them."

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"Their job is their passion," Olson said. "It's fun and rewarding to work with them. It's instant gratification."

Individuals with disabilities want to support themselves, said Lex Frieden, one of about 15 Houstonians invited by the White House to witness President Bush signing the bill.

"We have a large population of people who are unable to work simply because they're labeled as disabled," Frieden said.

Michael Evans, company spokesman for Burger King, said from corporate headquarters in Miami, Fla., that given an opportunity, disabled workers are "exceptional employees."

"They are punctual, very conscientious, and there's low turnover," Evans said.

Burger King has had a customized training program for the disabled in Florida for several years called B Kapable. Evans said 400 graduates have gone through the program since its inception in 1986. Burger King hopes to expand the program nationwide.

One of Burger King's Houston restaurants employs two disabled individuals, one with a speech impairment and one who is mentally handicapped.

"It's a win-win situation," Evans said. "It's an opportunity for us to tap an existing labor pool that hasn't been tapped."

Increasingly, enlightened companies seek out the handicapped. With the U.S. work force growing older, many companies are finding it difficult to recruit enough workers — a situation that is likely to worsen.

David Seaver, vice president of administration for Talent Tree Inc. in Houston, said employers are beginning to realize that disabled people do a good job.

"The feedback we get from employers is always positive," Seaver said. Talent Tree has placed individuals who are wheelchair-bound, hearing-impaired and mentally retarded in jobs throughout Houston.

Lovell, of the Texas Rehabilitation Commission, said there are an estimated 2 million disabled Texans. The employment for roughly 200,000 handicapped Houstonians is getting better, but is still a struggle, he said.

The Texas Rehabilitation Commission assists disabled citizens through job training programs. According to Lovell, during the last fiscal year in Houston, his office worked with 16,500 persons with disabilities, and placed 3,150 individuals in jobs throughout Harris, Montgomery, San Jacinto, Waller, Austin, Fort Bend and Colorado counties.

"Each one of those is a person now working who wasn't employed before," Lovell said.

"Disabled does not mean unable," said Pat Garland of the Texas Employment Commission.

All the disabled want is equality, said DeVault.

Act not expected to affect job benefits

BY CYNTHIA SHANLEY
OF THE HOUSTON POST STAFF

The Americans with Disabilities Act will have a significant impact on employment practices, but it won't extend into employee benefits, consultants say.

When it comes to benefits, disabled employees will be subject to the same requirements and risk classifications as non-disabled workers.

"Based on the information we have right now, and interpretations of the bill, it seems to indicate that passage of the act should not prohibit insurers from underwriting or classifying risk any differently than before," said Michael McGuire, a principal in William M. Mercer Inc.'s Houston office.

"The ultimate impact (on benefits) will be relatively negligible," said Robert McKillop, vice president of employee benefit planning for Houston-based Comisky Kaufman.

That's because of a special exemption for employee benefits contained in the legislation's Title V, "Miscellaneous Provisions," Section 501(c).

Without the exemption, certain benefits provisions could be viewed as being discriminatory against the disabled — for example, requiring evidence of good health by late enrollees.

According to Henry Saveth, a principal in the New York office of Foster Higgins, the exemption allows employers and their benefit plans to continue business practices in underwriting, classi-

fying, and administering risks so long as it's done under accepted risk classification principles.

Saveth said that although employers are exempted from having to give special consideration to the disabled, in employee benefit plans, companies cannot discriminate against the disabled.

For example, a person with a disability that does not pose increased risks cannot be denied coverage or be subject to different terms or conditions of coverage based on the disability alone.

Saveth also pointed out that an employer cannot deny a qualified applicant a job because the company's current benefit plan does not cover the applicant's disability or because of the increased insurance costs.

EMPLOYING THE DISABLED

The Americans with Disabilities Act may open doors for many handicapped Americans to become employed.



43 million Americans are considered disabled.
2.2 million Texans are considered disabled.

The Houston Post

COVER STORY

Transport changes coming

Firms need to make new accommodations

BY BEVERLY NARUM
AND JANE BAIRD
OF THE HOUSTON POST STAFF

Companies in the business of transporting people from one destination to another likely will be among those asked to make the most changes under the new Americans with Disabilities Act.

While airlines, bus companies and others in the people-moving business must make sure their internal company policies conform to the new legislation, they must also comply with regulations that will be written to guarantee access to transportation for the disabled.

Many companies have made some accommodations for assisting disabled travelers to comply with existing laws.

But many in the transportation business expect the new rules to require changes.

Bill Berry, a spokesman for Delta Air Lines, said his company already has procedures to assist people with wheelchairs in getting on and off planes, but the new provisions are expected to be designed to make planes more accessible to a wider group of disabled people.

"It is going to be a rather expensive program because of the types of modifications we expect," he said. "Even simple expenditures for movable armrests add up when you are talking about a fleet of 500 airplanes."

He said most airlines have special rolling chairs to assist wheelchair-bound passengers navigate narrow passages on planes while their wheelchairs are stowed in the baggage compartment. He said

one change under discussion is allowing passengers to bring wheelchairs onboard so they will have better access.

Tom Fox, a spokesman for the Houston Metropolitan Transit Authority, said Metro anticipated the act would pass.

"More than a year ago, the board agreed on a policy of having wheelchair lift equipment on all new buses," Fox said.

The buses are beginning to come in, and as of May 21, Metro has had its first route entirely equipped with accessible buses.

The 16 buses are on the 68 Braes Bayou Crosstown route.

"We'll have an entirely new fleet by the year 2000, and then Metro will be completely lift-equipped," Fox said.

Paul Gaines, the city's director of aviation, said most of the city's structures likely already will comply with the new rules because they were built or have been modified with accessibility in mind. He said airport officials have met on the issue and identified one potential problem area.

"One area that doesn't comply is the buses to satellite parking," he said. "We are looking at what we are going to require in the future. Other providers of ground transportation are going to have to comply, too."

Franklin Denson, owner of the Texas Limited excursion train that runs between Houston and Galveston, is one business owner who believes he will qualify for an exemption to the new law. "If we are not exempted, it will impose economic hardship," Denson said.

"Our whole concept is to use restored vintage rail cars," he said.

The cars were not built to accommodate wheelchairs, and retrofitting them would require enlarging doorways and tearing out the walls of narrow passageways in

the cars, he said.

"If you go to San Francisco, the cable cars were not designed for wheelchairs," he said. "If they are required to be retrofitted, they are not going to look historically accurate. You can't have it both ways."

Amtrak, meanwhile, has been operating with ramps or lifts for wheelchairs, wide hallways, special bathrooms and even handicapped bedrooms for about 14 years, said Josephine Faires, agent in charge in Houston. These facilities are consistent from state to state, she said.

"There is nothing we have to adjust to," she said.

On the water, the law may be a problem is for small boat owners, said Larry Huckle, builder and operator of the Clear Lake Queen, which can carry 149 passengers. Designing small boats to be accessible to the handicapped and economically viable is difficult, he said.

The law will exempt existing boats but will come into play for new vessels and vessels under renovation, he said. Huckle, southern regional chairman for the National Association of Passenger Vessels, said the Clear Lake Queen is sensitive to the handicapped because the captain's brother is quadriplegic.

But even it is limited. The boarding ramp, gates and doorways are accessible, but the bathrooms and the stairs to the second deck are not, he said.

In Galveston, the Europa Cruise Lines' ship provides boarding, accessible areas and assistance in moving from level to level for people on wheelchairs, said spokesman Steven Winters.

The Pride Cruise Lines created a stir earlier this year when its gambling cruise ship Pride of Mississippi refused to board unaccompanied wheelchair passengers.



Susan DeVault boards one of Metro's new buses equipped with a wheelchair lift as Jim Laughlin, left, Metro contract

services manager, and driver Bernardo Trevino look to help. Metro will have 60 similar buses operating by fall.

Nuri Vallbona/The Houston Post

President Bush signing the
with Disabilities Act.

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The New York Times

NEW YORK, TUESDAY, JANUARY 22, 1991

U.S. Proposes Rules to Bar Obstacles for the Disabled

By ROBERT PEAR

Special to The New York Times

WASHINGTON, Jan. 21 — The Federal Government proposed sweeping rules today under which stores, restaurants, banks, theaters, hotels and offices must take specific new steps to accommodate people who are disabled in any way.

The stated purpose of the rules is to make sure that any new or redesigned "places of public accommodation and commercial facilities," including everything from baseball bleachers to automated teller machines, will be "readily accessible to and usable by individuals with disabilities."

The standards would carry out the Americans with Disabilities Act of 1990, which established comprehensive civil rights protections for people who are blind or deaf, use a wheelchair or are otherwise mentally or physically disabled.

Specific Guidelines

The law prohibits discrimination in general terms. The rules, scheduled to take effect next January, specify how thousands of businesses must consider the needs of the disabled in new construction. The rules would not require immediate changes in existing buildings. But if any portion of a building is remodeled or renovated, that portion would have to be made accessible to disabled people. Under the rules, a building could not be altered in any way that made it less accessible.

The rules, to be published Tuesday in The Federal Register, are

full of detail. Here are some examples:

¶Disabled people, including those in wheelchairs, must have full access to all checkout aisles in grocery and other retail stores.

¶At least 5 percent of the tables in a restaurant or a library must be accessible to people with disabilities, and two-thirds of the eating area should be accessible.

¶A new mathematical formula must be used to calculate how long elevator doors must stay open to accommodate people who use wheelchairs, walkers or crutches.

Fear of High Costs

Businesses say they fear the costs of compliance could be high. But Lawrence W. Roffee, executive director of the United States Architectural and Transportation Barriers Compliance Board, the independent agency that drafted the rules, said, "We don't think accessibility is expensive."

The features needed to make a building accessible to disabled people increase total construction costs by less than 1 percent, he said, and that increase is more than offset by the new business made possible when disabled people have full access to the building.

In restaurants and libraries, the standards would apply to immovable booths and tables. The rules say 5 percent of the rooms in a hotel, motel or dormitory, 10 percent of the patient rooms in a hos-

Continued on Page A21, Column 1

pital, 50 percent of the rooms in a nursing home and about half of the drinking fountains on each floor of an office building must be fully accessible to disabled people, including those in wheelchairs.

Rules on Parking Spaces

The rules would permit the installation of "unisex toilets" when it would be "technically infeasible" to modify the men's and women's rooms to accommodate disabled people.

The rules prescribe how many parking spaces must be reserved for disabled people and specify the maximum slope of ramps and the maximum pile height for carpet (one-half inch), noting that a steep slope or plush carpet cannot be navigated easily in a wheelchair.

The 1990 law explicitly required the Government to issue standards guaranteeing access for disabled people to public accommodations. Any private entity whose operations "affect commerce" was deemed to be a public accommodation. Under the law, private clubs, churches and other religious organizations are exempt from the requirements.

The rules may be supplemented by additional requirements issued in the next six months by the Justice Department. Disabled people or the Justice Department may seek a court order to enforce the law. Violations may be punished by a civil penalty of up to \$50,000 for a first offense and \$100,000 for any subsequent offense.

Individuals and businesses have until March 25 to file comments on the proposed rules. The board will consider the comments before issuing final guidelines.

Wider Checkout Aisles

The rules would require wider checkout aisles in many supermarkets and other stores, to allow passage of wheelchairs through all aisles. It is not enough for a store to have just one checkout lane usable by disabled people, the rules say.

The board that drafted the rules said all checkout aisles could be "designed and constructed to be accessible with only minor variations from what is considered the typical design" of retail stores. For example, it said, "two narrow checkout aisles can be combined into a double-wide aisle served by cashiers on both the right and left sides of

Access for the Disabled

Here are some of the requirements proposed in guidelines under the Americans with Disabilities Act of 1990. The standards would apply to new buildings and alterations of existing buildings.



HOTELS

At least 5 percent of rooms would have to be suitable for use by people in wheelchairs. An additional 5 percent would have to be equipped with flashing lights or other "visual alarms" for people with hearing impairments.



RESTAURANTS

At least 5 percent of the fixed tables would have to be fully accessible to people in wheelchairs. Two-thirds of the total restaurant eating area should be accessible to people with disabilities.

Source: U.S. Architectural and Transportation Barriers Compliance Board



GROCERY AND RETAIL STORES

All checkout aisles would have to be accessible to people in wheelchairs. Aisles would generally have to be at least 36 inches wide.



BANKS

Automated teller machines should be usable by people in wheelchairs and those with poor vision.



THEATERS AND CONCERT HALLS

Special earphones or other listening devices should be available to people with hearing impairments.

The New York Times

Redesigning everything from elevators to pay phones.

the aisle."

The rules say it would be a violation of the new law to build a bank with automated teller machines that are not readily accessible to people with disabilities. Where such machines are provided, at least one would have to be usable by people in wheelchairs and those with poor vision. The rules do not say how this goal should be achieved. But the board suggests that instructions might be available in Braille or from a telephone near the teller machine.

The rules require that concert halls, theaters and conference rooms have special earphones or other listening devices to assist people with hearing impairments. Likewise, hotels and office buildings must have "visual alarm signals," like flashing lights, to indicate a fire or other emergency to people who

cannot hear the ring of a bell or a siren.

Requirements for Telephones

In any bank of two or more public telephones, at least one must be equipped with volume controls to help people with hearing difficulties, the rules say. In addition, in any building with six or more pay telephones, at least one must be equipped with a telecommunication device for the deaf, which permits people to type messages back and forth over a phone line. The compliance board invited suggestions on how such devices could best be provided in public place.

The 1990 law was intended to make life easier for Americans with physical or mental disabilities, but most of the new standards emphasize ways of insuring access for those whose disabilities are physical.

The Census Bureau reports that 7.7 million Americans have difficulty hearing what is said in normal conversations, while more than 13 million have impaired eyesight and 8 million have severe difficulty walking. At least 1.3 million people use wheelchairs or walkers, and more than 1.7 million are deaf in both ears.

Under the law, the new standards would apply to shopping centers, con-

vention centers, travel agencies, barber and beauty shops, dry cleaners, gas stations, drug stores, lawyers' and doctors' offices, insurance offices, funeral homes, museums, parks, schools and colleges, as well as shelters for homeless people. The rules say that all meeting rooms at a conference center would have to be accessible to the disabled.

The law requires that many forms of transportation, including subways, rail passenger cars, cruise ships and hotel shuttle buses, be accessible to people with disabilities. The Government will issue separate rules for those services later this year.

Proposal Widens Access for Disabled

Administration Plan Seeks Change at Big and Small Businesses

By Frank Swoboda
and Cindy Skrzycki
Washington Post Staff Writers

The Bush administration yesterday proposed the first in a series of major new regulations to require all but the smallest businesses to provide access to the 43 million Americans who are disabled.

The rules proposed yesterday cover every type of business from health spas and private schools to restaurants, grocery stores and automatic teller machines. The specifics range from the placement of toilet paper rolls to the type of carpeting that can be used in public facilities to the distance between library stacks and the height of raised numbers on a telephone.

Like federal safety laws, the regulations spell out in inches and even millimeters the appropriate height, number and position of everything from parking lot spaces to how far from the wall a telephone can protrude.

Many of the biggest national retailers and restaurant chains already have begun to implement some of features set out in the new regulations. But for most other restaurants, hotels, supermarkets, clothiers, banks, conference centers, theaters and sports complexes, the regulations could alter significantly their plans as they build new stores or renovate existing ones.

For example, hotels would have to have at least 5 percent of their rooms equipped for the disabled,

restaurants would have to have a specified number of movable tables proportionately distributed among smoking and nonsmoking areas, and every supermarket checkout counter nationwide would have to be accessible to customers in wheelchairs.

The regulations proposed yesterday by the Architectural and Transportation Barriers Compliance Board are only the first of three sets of sweeping business regulations that will be proposed in the coming weeks under the Americans with Disabilities Act of 1990.

The biggest impact on business from the new law is expected next month when the Equal Employment Opportunity Commission (EEOC) issues proposed regulations governing employment of the disabled.

Patrisha A. Wright, director of governmental affairs for the Disability Rights Education and Defense Fund Inc., called the technical regulations governing the structure of facilities "a good first step," but said the real test would be the "philosophical regulations that come out of Justice [Department] and the EEOC."

Those guidelines will detail what steps employers must take to ensure that they are not discriminating against qualified job applicants with a disability. To comply, employers not only will have to hire people with disabilities but also modify work sites and equipment to meet the needs of those individuals.

The Justice Department will also

issue regulations next month designed to protect the disabled from being discriminated against in their treatment by various establishments—perhaps barring a restaurant from seating the disabled in separate areas away from other diners.

The regulations governing physical access apply only to new construction or business renovations after Jan. 1, 1992. The law initially applies to companies with 25 or more employees, but that number drops to 15 employees in 1995. The employment and public accommodation regulations are scheduled to go into effect in July 1992.

Business reaction to the proposed regulations yesterday was muted. Most businesses said they would have no comment until they had seen all the government proposals. "It's a matter of digesting at this point," said Anne Curtis of the National Restaurant Association in Washington.

Corrie Zowotow of Burger King Corp., a fast-food chain with new construction or renovations almost constantly underway, said the chain already complies with all the proposed access requirements. "It's part of our upfront costs," she said. "It's baked into the culture."

Accurate estimates on how much it would cost business to implement the regulations are an unknown. Pete Lunnie of the National Association of Manufacturers said many larger corporations have made changes to accommodate the disabled under the 1973 law governing federal contractors. But he could not quantify how much it would cost business under the new law.

New rules would boost access for disabled

THE ASSOCIATED PRESS

The federal government yesterday proposed rules that would require new or renovated stores, restaurants and other public facilities ranging from ballparks to museums to be designed to accommodate the nation's 43 million disabled people.

The rules, published in the Federal Register, would give teeth to major civil rights legislation for the disabled signed into law last July by President Bush.

Among the numerous requirements, owners of "newly constructed and altered" grocery stores would have to make all checkout aisles wide enough for wheelchairs. Concert halls and theaters would be equipped with special listening devices for the hearing-impaired, and restaurants and libraries would be required to make areas available to the disabled.

Sen. Edward Kennedy, Massachusetts Democrat, said the proposed

regulations "are the first step in implementing the emancipation proclamation for the 43 million Americans with disabilities."

"They will begin to eliminate mindless physical barriers and outdated social attitudes and widen the door of opportunity for the disabled. The time is long overdue that America become more accessible to people with disabilities," Mr. Kennedy said.

The rules were drafted by the Architectural and Transportation Barriers Compliance Board, an independent federal agency that will review public comment and implement a final version Jan. 26 next year.

"Our goal is full independence for people with disabilities and full integration into society," said Sandra Parrino, chairwoman of the National Council on Disability, a separate federal agency that drafted the initial legislation.

The law bans discrimination against the blind, deaf, mentally or physically disabled and people who use wheelchairs in employment, public accommodations, transportation and telecommunications. Mr. Bush likened the Americans With Disabilities Act of 1990 to the dismantling of the Berlin Wall as a symbol of freedom for a once-oppressed people.

Individuals and businesses have 90 days to file comments on the proposed rules, which would cover virtually every new or redesigned public establishment.

Under the requirements:

- Grocery and other retail stores would have to make all checkout aisles accessible to the disabled, including those in wheelchairs. Aisles would generally have to be at least 36 inches wide.

- Restaurants would have to have at least 5 percent of their fixed tables fully accessible to people in

wheelchairs; two-thirds of the total restaurant eating area would have to be accessible to people with disabilities.

- Automatic elevators would have to meet standards regarding how long doors must stay open to accommodate people who use wheelchairs, walkers or crutches.

- Hotels, motels and dormitories would have to make 5 percent of their rooms accessible to the handicapped. Hotels and office buildings would need "visual alarm signals to indicate a fire or other emergency" to the deaf.

- Concert halls, theaters and conference rooms would have to provide special earphones or other listening devices to assist people with hearing impairments.

- Newly constructed banks would have to have automated teller machines accessible to people in wheelchairs and those with poor vision.

HOW WILL YOU KNOW WHOM TO HIRE?

No more questions about medical history.

BY MICHAEL A. VERESPEJ

The first provisions of the Americans with Disabilities Act (ADA) won't go into effect for nearly 16 months. But unless business begins preparations now, it could find itself in a legal quandary unparalleled since the advent of civil rights and equal employment opportunity.

ADA will force businesses to remodel existing facilities to provide access for the estimated 43 million people in the U. S. who have mental or physical impairments. But the law also will force businesses to review virtually every aspect of the hiring process to make sure they're in compliance with ADA language that prohibits employers from discriminating against the disabled in all aspects of employment.

First, businesses must determine what changes they must make to provide those with handicaps access to the public areas of their buildings. These rules go into effect Jan. 26, 1992, and there is no small-business exemption.

Second, companies must review nearly everything involved in their hiring process—from job-application forms to interview techniques to how they use medical examinations of job applicants. Not only does ADA prohibit companies from not hiring an individual because of a mental or physical disability; it also bars companies from asking job applicants any questions relative to their current or past medical history. And it prohibits the use of pre-employment medical exams.

These rules take effect July 26, 1992, for all companies that employ 25 people or more. Two years after that, those with 15 or more employees must be in compliance.

"ADA is the most significant em-



Soltis: "Employers need to approach ADA with the idea that you bend as much as possible until you reach the point where you might not survive."

ployment-related law since OSHA" was created in 1970, says G. John Tysse, labor-law attorney at McGuiness & Williams, Washington. "Companies that don't start paying attention now to what the ADA requirements are, are going to pay dearly."

One reason: ADA requires employers to make "reasonable accommodations," including part-time work or job restructuring, for those with handicaps—unless it would cause an "undue hardship." But neither of these phrases was defined.

Second, the intent of ADA is different from earlier discrimination laws, says Mike Soltis, attorney in the White Plains, N. Y., office of Jackson, Lewis, Schnitzler & Krupman.

Whereas previous laws required employers to just exert "a little effort," ADA demands a "far greater obligation," says Mr. Soltis. "Employers need to approach ADA with the idea that you bend as much as possible until you reach the point where you might not survive."

To accommodate those with

physical handicaps, it's clear that most businesses will need to widen aisles, widen doors, remodel restrooms, and have at least one phone for the hearing-impaired.

But, as Mary Reed, legislative director for the National Federation of Independent Business, observes: "I wish it would be enough to say, 'Do those four things and you'll be in compliance,' but it isn't."

Business is not yet sure how it'll accommodate the sight- or hearing-impaired, or those with mental disorders or conditions such as epilepsy.

Yet, some solutions might be easier than business thinks, points out Laura Candris, labor-law attorney with Eckert, Seamans, Cherin & Mellott, Pittsburgh.

For example, companies may need only a buzzer—not an electronic gate—so someone near a door can admit a person in a wheelchair, she says. And rather than lowering elevator buttons, companies can provide an instrument to enable those in wheelchairs to reach the buttons.

However, any new structure ready for occupancy after Jan. 26, 1993, must be fully accessible to the disabled. Structures higher than two stories must have an elevator.

Although access promises to be "a big issue for a while, 10 years from now it'll be a non-issue," says Mr. Soltis. But he suspects that business will still be wrestling with ADA's employment provisions.

These provisions will change the focus of the hiring process from



Under ADA, all handicapped workers must get the accommodations accorded these workers at the Gateway Sheltered Workshop, Barrien Springs, Mich.

what a person can't do to "what he can do," asserts Mr. Soltis. "Any question that looks at current or past health will be unlawful. Companies will be prohibited from asking things such as: Are you in good health? Have you ever consulted a psychologist? Do you or anyone else in your family have a history of heart trouble or diabetes?"

As McGuinness & Williams' Mr. Tysse explains, any question about medical or physical performance "must be job-related or it is going to have to be rephrased."

What worries businesses, says Mr. Tysse, is that because they'll know less about the workers they hire, "it'll increase the potential of a wrongful-hiring lawsuit if they hire someone with mental problems or someone who is potentially unstable because of mental stress." Another concern: the impact on health-care costs.

And because medical exams can be given only *after* someone has been offered employment—and only if everyone is required to take them—they may not be as helpful in screening out unwanted employees as they have been in the past.

"You can use the results from the physical exam only if it reveals something that would prevent an individual from performing the tasks of the job he was offered," says Mr. Tysse. A history of heart disease, for example, would not be sufficient cause for not hiring someone. "They would have to show that that medical problem would keep the individual from carrying out the 'essential job functions'"—another undefined ADA term.

That's why experts advise companies to spell out the essential functions of each job—before placing advertisements or conducting interviews.

The presence of so many vague terms, says Mr. Tysse, behooves companies to view those with disabilities as a potential resource. "Any company looking for loopholes in this law is going to get stuck." And, if the expanded-damages provision in the pending civil-rights bill—which would permit punitive and compensatory damages—is enacted, "ADA will become a potential nightmare." **TW**

Creative Ways to Employ PEOPLE with Disabilities

By Michelle Neely Martinez

The passage of the Americans with Disabilities Act (ADA) will cause companies, small and large, to re-evaluate their hiring practices as well as their physical workplace construction. Within the next two to four years, virtually all employers must provide equal employment opportunities to qualified persons with disabilities* which may include making reasonable accommodation for people with disabilities.

Considered as the most significant piece of civil rights legislation in 25 years, ADA brings a great challenge to many employers. At the same time, the law forces businesses to look at a traditionally untapped source for qualified workers.

The main concern of most CEOs and HR professionals is: How far must a business go to accommodate a qualified disabled person? How will the government interpret a company's compliance efforts?

At this time, there are no clear-cut answers to

these questions because the regulations have not been drafted, and no cases are available that interpret the new law's provisions. But, CEOs and HR professionals can start strategically planning for compliance by looking at how companies who already recruit persons with disabilities integrate this group into their work environment.

Kreonite Inc.

For the past 17 years, Kreonite Inc. (a small business based in Wichita, Kan., that manufactures photographic and graphic arts film and handles photographic laboratory case work worldwide) has recruited persons with disabilities. This recruitment gesture, which possibly started out as a "goodwill or social-conscience" effort, admits Larry Burd, vice president of manufacturing, is now a necessity for the family-owned business with approximately 250 employees.

"In the last five years, recruiting people with disabilities has become a necessity," says Burd. "The company needed these people because we couldn't find quality help in other work groups."

*For an extended explanation of ADA, please refer to the *Legal Trends* column in the October issue of HRMagazine, page 87.

Michelle Neely Martinez is senior editor for HRMagazine.

"By hiring persons with disabilities we have accomplished stability within our company. Our annual turnover rate used to be 32 percent; we were basically serving as a training ground. By hiring people with disabilities, our turnover rate has dropped 10 to 12 percent. Presently, 15 percent of our work force is stable and from a quality-reliable work group," says Burd.

People with disabilities hold all types of positions at the plant— injection mold machine operator, grinding machine operator, electronic assembler, fiberglass trimmer and drilling worker. The work force is totally integrated.

Burd attributes much of the company's success in hiring and training disabled persons to the Kansas Elks Training Center, a statewide organization that provides the company with such resources as counseling and job coaching for its employees.

"The center provides many resources that most large companies may have internally," he says. "For example, we have several employees who are deaf, so the center provided training for 30 employees who volunteered to learn how to sign. The class was conducted in-house."

The most important aspect of hiring persons with disabilities is commitment, says Burd. "It must start from top-level management and it has to go all the way to the shop floor."

Burd believes that the biggest challenge for companies complying with ADA is getting over the fear of using a work group whose abilities traditionally have been hidden or unknown. Managers have this fear because of the bottom line, he says.

"If they don't produce, it reflects poorly on them—they're afraid that persons with disabilities are going to cost them money. We've got to get over that hurdle," says Burd.

In terms of EEO compliance, Burd believes that hiring people with disabilities is no different than hiring some-

To commute to work, Walt Sbinault
uses a Jaytran van with a chairlift,
provided by the Jackson, Mississippi,
mass transit system.



one from a minority group.

"If companies are willfully and blatantly neglecting compliance, then they are likely to be sued," he says. "But if companies are making an honest effort to comply, they should not have to worry."

"People with disabilities are not going to freely start suing companies because there's no benefit in it. They won't have jobs if businesses start to go out of business."

Statistica Inc.

About four years ago, Statistica Inc. (a small, high-tech employer in the Washington, D.C. area) began recruiting persons with disabilities. Tapping into the special work group seemed to evolve when the company exceeded 50 employees, then established a human resource department to stay abreast of affirmative action regulations and handle employee relations.

When asked if the CEO supported HR's decision to hire persons with disabilities, Carol Dantzig, manager, employee relations, said, "Nothing has to be sold to him. It's his philosophy which creates our unique environment. Top management has strongly supported the HR department's efforts in this area," says Dantzig, "by encouraging staff participation in job fairs focused on employing the handicapped and attendance at seminars on how to interview and select employees with disabilities."

Currently, more than 6 percent of Statistica's work force has some type of disability. The majority of these employees are professional computer people.

Initially, Statistica worked with the handicapped and rehabilitation services of District of Columbia, Virginia and Maryland to increase the number of qualified applicants with disabilities. More recently, the company, which is in the top 100 of INC's 500 list, uses Gallaudet University, the Epilepsy Foundation, the Montgomery County Job Train-

EXHIBIT

Employer Resources

Program Name	Program Description	Eligibility	Contact Information
Targeted Jobs Tax Credit (TJTC)	Tax credit of 40% of first \$6,000 earned per employee provided the employment lasts at least 90 days or 320 hours	May not claim TJTC and OJT for same wages Certification must be requested on or before first day of work	SRS (See Publication #900) State Employment Service Private Industry Council Vocational Rehabilitation (Check State and City governments)
Job Accommodation Network (JAN)	Free consulting services on available aids and devices	None	Call 1-800-JAN-PCEN
Tax Credit on Architectural and Transportation Barrier Removal	Tax deduction on up to \$35,000 spent to make a workplace more accessible for employees and customers	Improvements must meet Treasury Department Standards	Internal Revenue Service
National Association of Retarded Citizens On-The-Job Training Program (NARC-OJT)	Reimbursement of 50% of entry wage for first 160 hours of on-the-job training 25% of entry wage for second 160 hours	Worker must be mentally retarded with IQ below 80, at least 16 years old, unemployed over 7 days Position must be permanent, full-time, pay above minimum wage	National Association of Retarded Citizens Local Association of Retarded Citizens
Vocational Rehabilitation On-The-Job Training Program	Shared payment of the disabled employee's wages for a limited time on a negotiated schedule	Worker must be a VR client Position must be permanent, full-time, pay minimum wage	Local Vocational Rehabilitation
Job Training and Partnership Act (JTPA)	Reimbursement of 50% of first 6 months wages per employee Customized training or retraining	Employer must hire trainee with intent of permanent full-time position	Private Industry Council Chamber of Commerce City or State government
Minimum Wage Exemption Certificate	Certificate allowing employer to pay 75% of minimum wage or 50% for most severely disabled worker	Wage must adequately reflect worker's productive capacity Annual renewal required	Department of Labor, Wage & Hour Division Regional Office
Windmills	Enables employers to build better work forces and, at the same time, increases employment opportunities for individuals who have disabilities	None	California Governor's Committee for Employment of Disabled Persons, Catherine Baird, Executive Director 916-323-4545
SNRM Seminar	An educational opportunity for HR professionals, "The Americans with Disabilities Act: Making ADA Work for You"	None	1-800-255-2772
National Technology Center	Designs and evaluates adaptive devices for individuals who are blind and visually impaired Staff members will respond over the phone	None	The American Foundation for the Blind Inc. 18 West 18th Street New York, NY 10011 212-620-2060
IBM National Support Center for People with Disabilities	Conducts database searches in response to specific queries IBM provide resource guides and instructional videotapes upon request	None	1-800-426-2133
AbleData	Contains more than 15,000 listings of adaptive devices for all disabilities A consumer referral service that responds with printed reports to requests for information	Does not make diagnoses	Adaptive Equipment Department Newington Children's Hospital 881 E. Cedar Street Newington, CT 06111 1-800-344-8465

Source: The President's Committee on Employment of People with Disabilities

ing and Tryout Program, the Bridges program funded by Marriott Corp., and the Lighthouse for the Blind.

"Our job openings are regularly listed with TransCen, an umbrella group for all handicap organizations," says Dantzie.

To small business owners, Dantzie gives this advice: "Take advantage of the expertise and services available through the specialty organizations" in your community.

For example, when Statistica hired a disabled man for an accounting position, Dantzie asked a local rehabilitation professional to visit the work site, analyze the new employee's workstation, and make recommendations for job accommodation.

"Counselors from such organizations will visit your facility, review your physical plant and the skills required for employment within your company, and determine what, if any, specialty equipment will be required to accommodate the employee's disability," says Dantzie.

Dantzie says involving employees is an important part of integration. "Such organizations as the Epilepsy Foundation will conduct on-site employee education programs. These help all employees better understand the nature of specific disabilities and give everyone the opportunity to feel good about their contribution."

U.S. West Communications

Holly Delcambre, accommodations specialist at U.S. West Communications in Seattle, says that ADA has heightened the general public's awareness that people with disabilities have a right to work and plenty of potential.

She believes its greatest impact is requiring organizations to determine the essential functions of the job. But, as she explains, "The company will benefit, not just persons with disabilities, but all employees. By going through the process (determining essential job functions), companies will surely find more productive ways to work," says Delcambre. "And, hopefully, companies will realize that they need to hire persons with capabilities who may have a disability."

U.S. West has a history of making accommodations for

**The Compu-Lenz machine
assists Theodore Omulak in his job as foreign
language interpreter for Statistica Inc.**



people with disabilities. Just two years ago the company established a regional disability committee made up of company representatives from 14 states. The committee's mission, says Delcambre, is "to focus on issues pertinent to improving working conditions and opportunities."

Within the workplace the biggest barrier for disabled people is probably other people's attitudes, says Delcambre. Attitudes can be changed, she says, by educating workers about various disabilities. The company can also train employees to interact better with disabled employees—and dispel any myths.

The most recent project undertaken by U.S. West is

training workers, especially in the company's employment offices, to become sensitivity trainers. Through "Windmills," an attitudinal training program developed by the California Governor's Committee for Employment of Disabled People, employees will train other employees to examine and overcome their own irrational attitudes and biases.

Honeywell

Windmills is also the newest project underway at Honeywell. Last month, 60 employees from its U.S. divisions and one international division became Windmill trainers. The trainers have taken the program back to the individual facilities to integrate into their work culture.

Angie Johnson, an engineer in the Minneapolis office of Honeywell, is co-chair of the Council of Honeywell Employees with Disabilities, which sponsored the Windmills training program.

Separate from the human resource department, the Council of Honeywell Employees with Disabilities grew out of a task force that started in 1983. In 1985, the task force became a council; it is now made up of 24 employees in the Minneapolis area representing union members, salaried employees and hourly employees. The main focus of the council is awareness of and accessibility for people with disabilities. Though the council is separate from the human resource department, funding and advising are available through the HR department.

"We're probably a leg up on ADA," says Johnson. "Honeywell has been doing a lot about job accommodation. Actually the real accommodation measures began in 1987."

Johnson's interest and involvement with the council stemmed from her somewhat hidden disability of rheumatoid arthritis.

"I saw the council advertised in the company newspaper and I thought it would be a good way for me to get involved. I was also curious," she says.

"The council has brought employees closer together. I've met people whom I probably wouldn't have met otherwise. Many employees are receptive to disabled employees, and they want to talk about what the council is doing. Often, people want to share their own 'hidden' disability or a family member's condition."

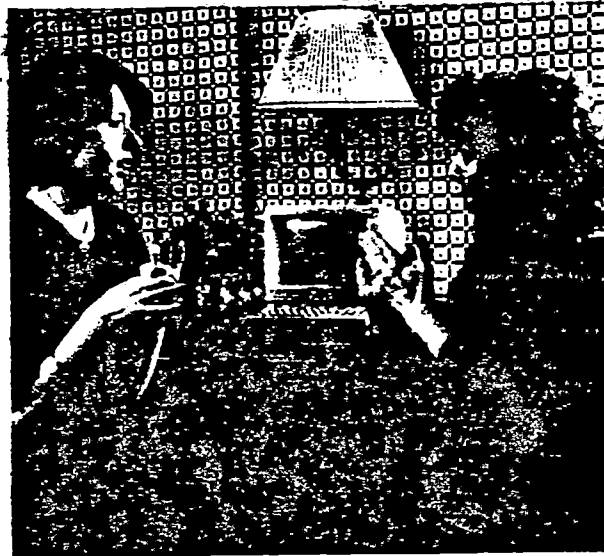
Marriott Corporation

Over the years, Marriott Corp. has received many awards recognizing its efforts in hiring people with disabilities. In 1989, the company received the Leadership Award from the Dole Foundation for Employment of People with Disabilities for its "proactive effort to find qualified applicants with disabilities on the national, regional and local levels."

In 1989, Richard E. Marriott, vice chairman of the corporation and chairman of the foundation, formed the Marriott Foundation for People with Disabilities. One of the main programs the foundation developed is "Bridges... from school to work," an internship program for disabled high-school students. Bridges is administered in local communities through a community-based organization which serves as a liaison with the foundation, the school system, area businesses, students and parents. The foundation's pilot program began in Montgomery County, Md., and is being introduced in other metropolitan areas. Plans are underway to implement Bridges this year in Chicago and San Francisco and the District of Columbia in 1991.

Speaking of the foundation, Kathleen Duffy, midwest regional manager, community employment and training

J *an Holler and Vicky Doberty* *at U.S. West Communications discuss the day's* *agenda through sign language*



initiatives, says the foundation is a "natural outgrowth of what the company was doing. It helps expand our knowledge and spreads our experiences to other companies that may not realize the benefits of hiring persons with disabilities."

Duffy is one of the corporation's six regional managers who act as liaisons between the region's resource agencies and Marriott managers in these areas. The department she works for, community employment and training programs, is based at the corporate office in Washington, D.C.

"As a department, we design training programs that cover various areas of the company and train people with disabilities to

do jobs in these areas. We also conduct sensitivity training for Marriott managers," says Duffy. "In general, we have an educated work force, but we're always promoting and moving employees, so the education part is ongoing."

"We also talk with private organizations and the industry to find out their employment needs and what the population base is in each area."

Separate from the foundation's Bridges program is Marriott's high school training programs for high school special education students. Each training program is set up differently, depending on the school district, but the main focus is the same—on-site skills training and work sampling.

"A high school junior interested in food service or hospitality can work in different areas at a Marriott site for half of each school day so they can see where their interests and abilities lie," says Duffy.

In Fairfax County, Va., Marriott has worked with one school to construct a replica of a restaurant kitchen on-site. A full-time teacher from the school district works with the students, as does a Marriott trainer. Many of the students who have completed the program in Fairfax County have gone on to full-time work with the Marriott Corp.

In Michigan, Marriott works with a state rehabilitation agency to train severely disabled persons who are usually not adaptable to classroom training. For 10 weeks in dif-

Continued on page 101

CREATIVE ADA COMPLIANCE

Continued from page 44

ferent areas of the state, Marriott employees train these people to work in areas such as food service, the rooms division and contract food services.

At Marriott, 6,000 employees have identified themselves as having some type of disability. Many more employees with disabilities work at Marriott, but these employees are contracted from other agencies.

"We take an aggressive approach to hiring people with disabilities because we've had great experiences," says Duffy. "We encourage people with disabilities to apply, and we develop training programs so they will be able to work with us."

Duffy believes that ADA is not really going to change the way Marriott conducts its hiring practices. She predicts that the question raised by managers will probably be: What is going to happen if I have to fire someone with a disability?

"I'm not sure how the provisions of the law will be applied but when that question is asked among Marriott management, we say to follow the same procedures as if you were firing someone who has no disability," says Duffy. "We offer the same procedures and coaching to managers when dealing with all work groups."

Duffy stresses that companies must have realistic expectations about hiring people with disabilities.

"Companies may hear how wonderful it is to tap into an untouched work group, then give it a shot, have one or two bad experiences and become sour and disappointed. What these companies need to ask themselves," says Duffy, "is how many people have you hired who do not have disabilities and who have not worked out? Not everyone is a good match, but don't have higher expectations for persons with disabilities."

Gearing up for change

Since the employment provisions of the Americans with Disabilities Act don't begin to take effect until July 26, 1992, employers have time to review their policies and programs and determine the steps to take toward compliance. The main steps for HR

Cost of Job Accommodations

In the Census Bureau survey, "Labor Force Status and Other Characteristics of Persons with a Work Disability," issued in July 1989, 81 percent of top managers and 79 percent of department heads and line managers say that it costs about the same to employ either a disabled or non-disabled person. The respondents believe that the cost of accommodations rarely drives the cost of employment above the average range of costs for all employees.

According to the Harris Poll of 1987, 74 percent of top management regard accommodations as either "not too expensive" or "not expensive at all." Seventy-two percent of EEO officers and 80 percent of line managers said the same thing.

The Job Accommodation Network (JAN), a service which provides both counseling and information, has collected the following job accommodation data. Costs are based on the network's suggestions to employers who ask for assistance.

- 31 percent of accommodations are no cost.
- 19 percent cost between \$1 and \$50.
- 19 percent cost between \$50 and \$500.
- 19 percent cost between \$500 and \$1,000.
- 11 percent cost between \$1,000 and \$5,000.
- Less than 1 percent cost more than \$5,000.

professionals to consider are: identifying the essential job function of various jobs; making sure the essential functions are communicated in the job description; reviewing medical examinations and drug testing policies; and educating the work force about the new law and people with disabilities. ■

Houston Post 2/7/91

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Employers, building owners must pay heed to Disabilities Act

RETROFITTING existing buildings to ensure access by disabled individuals is creating a deep sense of uncertainty among Houston building owners.

Detailed proposals that apply to new building construction and renovations were released in mid-January. But the proposed rules for use in existing structures aren't expected to be issued for another month.

In preparation for what some consider the most sweeping civil rights legislation since 1964, the federal government is writing extensive architectural standards to comply with the Americans with Disabilities Act of 1990. The legislation was designed to protect the civil rights of individuals who are wheelchair-bound, blind, deaf, or have other disabilities.

While most attention has focused on the accessibility provisions of the act, it also contains important employment provisions that shouldn't be overlooked.

One of the biggest changes in the law involves medical screening, T.J. Jeff



Kate
Thomas

Wray, a partner with Fulbright & Jaworski, told Houston members of the Building Owners and Managers Association. No applicant may be subjected to a medical examination until after a job offer has been made, he said. An applicant or employee who is a current drug user isn't protected by the law, but screening for illnesses is out.

Wray urged employers to approach the act "with extreme caution. When a new law is passed, the agency in charge of enforcing it is flooded with complaints. The agency doesn't have the budget to enforce it, so typically they look for an example. You don't want to be that example."

The law employs both a carrot and a stick. It will be enforced by the Justice Department, a fact that creates some insurance concern for architects, said Bill Smith, president of the Texas Society of Architects.

But building owners and eligible small business owners do get some tax incentives for complying, said Anthony J. Randall, chief administrative judge for the Equal Employment Opportunity Commission. A tax deduction of \$15,000 a year is available to offset expenses associated with removing architectural barriers for the disabled. Tax credits for complying also are available to small businesses whose annual gross receipts don't exceed \$1 million and who employ no more than 30 workers.

But many provisions appear vague, says Michael Jawer, BOMA director of legislative affairs. Building owners, for example, are wondering about the practicality of a proposal that would compel them to set aside special areas where the disabled can take refuge in the event of an emer-

gency while they await rescue. The proposed rule suggests the area be enclosed with a one-hour firewall.

Still, retrofitting expenses may not be that great. Bob McDonald, an accessibility consultant, estimated less than 1 percent of the required changes will cost more than \$1,000 and 31 percent will cost nothing.

Final rules for new construction and existing buildings will be issued in July. The effective date for rules calling for "readily achievable" changes to be made in existing buildings is January 1992; rules applying to new construction take effect January 1993.

Changes that may be considered readily achievable, say the consultants, include installation of grab bars, ramping, lowering telephones and installation of raised letters at elevators.

While many of the details must be worked out, what matters, said Randall, is that a "promise of employment is hollow if the person cannot even get into the building."

Living and Breathing, Yes, but Not Healthier

To the Editor:

Every year at this time the Federal Government releases its annual "report card" on the health of the American people, and your April 9 article accurately describes its latest assessment that "Americans were generally healthier in 1990."

However, a careful reading of the report (with calculator) suggests that Americans were in fact sicker and more disabled. For example, the number of people limited by a chronic health condition rose 7 percent, from 30.7 million to more than 33 million, between 1984 and 1989. The Government's more optimistic conclusion relies on an outdated definition of health: measuring it by death rates and life expectancy. By this standard, a person in a coma or with severe paralysis would be considered "healthy" — as long as he is breathing. Indeed, it is grimly ironic that medical science increasingly allows people to survive once-fatal conditions, but at the price of severe and lifelong disability.

Moreover, despite massive national expenditures on health care, gains in life expectancy over the last 30 years have been marginal, growing less than five years. As a recent article in *Science* concluded, even if major killers like heart disease and cancer were eliminated, significant increases in life expectancy are unlikely until aging itself is controlled.

The Government's "death standard" does highlight one fact: the great disparity in mortality between whites and blacks. But there is also a great disparity in disability that has been overlooked and untreated.

The nation needs a new health standard, a "disability standard." Only by defining health in this com-

mon-sense way — as freedom from disease and disability — will we begin to develop programs and goals to meaningfully improve the health of Americans. This is a matter of great national urgency, as the number of disabled Americans is forecast to grow rapidly over the next 20 years: the first wave of "baby boomers" recently reached 40, when the risk of acquiring a disability jumps sharply.

To this end, in June the National Council on Disability, a Federal agency responsible for oversight of the nation's disability programs, in conjunction with the Centers for Disease Control and the Minority Health Professions Foundation, will sponsor the



first national conference on disability prevention in Atlanta, and examine new ways of thinking about American health. I encourage all interested to attend.

R. ALEXANDER VACHON
Executive Director

National Disability Policy Center
Washington, April 22, 1991

Americans Generally Healthier, U.S. Report Shows

By **PHILIP J. HILTS**

Special to The New York Times

WASHINGTON, April 8 — Americans were generally healthier in 1990, but the Department of Health and Human Services said today that some significant problems persisted, including higher homicide rates, increased deaths from AIDS and more people who lack health insurance.

"This report shows us that we have a good deal to be proud of, but much work yet to be done," said the Secretary of Health and Human Services, Louis W. Sullivan, in issuing a report entitled "Health U.S. 1990."

Two of the biggest killers, heart dis-

ease and stroke, continued their decade-long decline. Heart disease deaths dropped from 373.9 per 100,000 people in 1989 to 369.3 per 100,000 in preliminary figures for the year ended November 1990. Stroke deaths declined from 58.6 per 100,000 to 58.1, according to the report.

Infant mortality dropped markedly, breaking a 10-year period in which the number of infant deaths declined only slightly. In preliminary figures for 1990, the infant death rate dropped to 914 per 100,000 live births from 975 per 100,000 in the previous year.

Among the negative trends were the homicide rate, which increased to 9.8

slayings per 100,000 people in 1990 from 8.8 per 100,000 in 1989.

The report showed that the number of people without health insurance rose, from 13 percent in 1980 to 16 percent in 1989, the most recent year for which figures were available. People in the South and West were more than twice as likely as others to be uninsured, the report said.

Nearly 35 percent of Mexicans and 20 percent of Cubans, Puerto Ricans and non-Hispanic blacks in the United States were without health insurance, compared with about 12 percent of non-Hispanic whites, the report said.

AIDS deaths continued to rise, with

6.6 per 100,000 recorded in 1988 and 6.6 recorded in 1989. AIDS ranks No. 15 among causes of death in the United States.

Though the percentage of pregnant women getting early prenatal care has not changed significantly in recent years, the report noted a wide disparity among ethnic groups. More than 80 percent of Japanese, Chinese, Cuban and white women received prenatal care in 1988, compared with 60 percent of American Indian, Mexican-American, Puerto Rican and black women, the report showed.

Another gap was in the overall death rate. Among Asians in the United States the death rates were the lowest in every age group and across nearly every cause of death.

The death rates for whites and Hispanics were higher, and the death rates

for blacks and American Indians were almost twice as high.

For example, among children aged 1 to 14, the death rate for Asians was less than 25 per 100,000 people in 1988. The death rate among white and Hispanic children was 30 per 100,000; among blacks it was nearly 50 per 100,000, and among American Indians, nearly 45 per 100,000.

Dr. Sullivan said the Administration has proposed several initiatives, including extending prenatal care to more pregnant women, providing immunization to more children, and offering programs to black males — a category which has many of the worst health statistics. In 1988, for example, the homicide rate was 58.2 per 100,000 among black men, compared with 7.7 per 100,000 among white men.

"But the Government can only do so

much," he said. "As a nation, we often pay for a failure of personal responsibility — when a pregnant woman drinks alcohol or takes crack cocaine and the baby is born with serious health problems, or when tobacco use kills more than 430,000 Americans each year."

The report showed that the life expectancy among blacks increased slightly in 1989, after four straight years of decline. In these numbers, the average life span for blacks rose to 69.7 years in 1989 from 69.2 the year before.

Dr. Sullivan said AIDS and homicide were primarily to blame for the 1985-88 declines in blacks' life spans.

For all Americans, preliminary figures show the average life expectancy rose from 75.0 years in 1987 to 74.9 1988, to 75.2 in 1989, Dr. Sullivan said.

ADA

(From page 1)

whether the individual "satisfies the requisite skill, experience, and education requirements of the employment position" the individual holds or desires. Based on the comments received, the term "other job-related requirements" has been added to the final rule. The commission indicates that this revision recognizes that other types of job-related requirements may be relevant to determining whether an individual is qualified for a position.

Fundamental Job Duties

The final regulation defines essential functions of a job as "fundamental job duties" and notes that essential functions do not include the marginal function of a position. Based on comments received, the commission has recognized that collective bargaining agreements may help to identify a position's essential functions, and has amended the proposed rule accordingly. The EEOC's interpretive guidance makes it clear that covered entities are not required to develop and maintain written job descriptions. Such job descriptions are relevant to a determination of position's essential functions, but they are not required by the regulations.

Under the regulations, an employer remains obligated to make reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability unless to do so would impose an undue hardship on the operation of the employer's business. Reasonable accommodation includes modifications or adjustments that enable employees with disabilities to enjoy benefits and privileges that are "equal" to (rather than "the same" as) the benefits and privileges that are enjoyed by other employees.

Modifications or adjustments must ensure that individuals with disabilities receive equal access to the benefits and privileges afforded to other employees. The modifications or adjustments may not be able to ensure that the individuals receive the same results of those benefits and privileges or precisely the same benefits and privileges.

Personal Assistants or Other Help

The EEOC's interpretive guidance makes it clear that it may be a reasonable accommodation to provide personal assistants to help with specified job duties. The interpretive guidance also provides that allowing an individual with a disability to provide and use equipment, aids, or services that an employer is not required to provide may also be a form of reasonable accommodation. Job restructuring may be a form of reasonable accommodation, and this may involve changing when or how an essential function is performed.

The commission has amended its guidance to note that, when the cost of a requested accommodation would result in an undue hardship and outside funding is not available, an individual with a disability should be given the option of paying the portion of the cost that constitutes an undue hardship.

In regard to testing, the final regulations provide that a selection criterion that is not

job related and consistent with business necessity violates the regulations only when it screens out an individual with a disability (or a class of individuals with disabilities) on the bases of disability. There must be a nexus between the exclusion and the disability. A selection criterion that screens out an individual with a disability for reasons that are not related to the disability does not violate the regulations.

The interpretive guidance specifically provides that an employer may not inquire about an individual's workers' compensation history at the pre-offer stage.

The regulations provide that a covered entity "may ask an applicant to describe or to demonstrate how, with or without reasonable accommodation, the applicant will be able to perform job-related functions." The final regulations expressly permit covered entities to require employee medical examinations and inquiries that are job related and consistent with business necessity. The information obtained from such examination or inquiries must be treated as a confidential medical record.

Department of Justice Regulations

The DOJ regulations, effective Jan. 26, 1992, implement those provisions of Title II of the ADA which prohibit discrimination against individuals with disabilities in the provision of state and local government services.

The DOJ regulations provide that to the extent that the public transportation services, programs, and activities of public entities are covered by those provisions of the ADA which apply to the provision of public transit services, such activities would be governed by the Department of Transportation's regulations implementing the ADA. It is anticipated that DOT's regulations will be issued in final form later in August.

However, if public transportation services, programs, and activities of public entities are not covered by that portion of the ADA which applies to the provision of public transit services, such activities would be governed by the Department of Justice regulations. For example, the provision of auxiliary aids (such as any effective method of making aurally delivered materials available to individuals with hearing impairments, or effective methods of making visually delivered materials available to individuals with visual impairments) by a public entity providing transit services is governed by the Department of Justice regulations.

It should be noted that the Department of Justice regulations specifically provide that "[n]ewly constructed or altered streets, roads, and highways must contain curb ramps or other sloped areas at any intersection having curbs or other barriers to entry from a street level pedestrian walkway." In addition, the regulations provide that "[n]ewly constructed or altered street level pedestrian walkways must contain curb ramps or other sloped areas at intersections to streets, roads, or highways."

These regulations are especially important in light of the provisions of the ADA requiring paratransit services to those individuals, who because of their disability, are unable to reach a transit boarding area or are unable to reach their destination after disembarking from a transit vehicle.

People in

MONTEREY, CALIF.—**Karin Strasser Kauffman** has been selected to serve as chairman of the Monterey-Salinas Transit Board of Directors. Kauffman, Fifth District supervisor for Monterey County, has been on the board since 1985 and most recently served as vice chairman of the board. She currently serves on both the Marketing and Planning/Operations committees for MST.

Selected to serve as vice chair of the MST board was **Donald T. Gasperson**, councilman from the city of Pacific Grove.

SYRACUSE, N.Y.—**Vincent A. Cook** was recently re-elected to a third consecutive one-year term as chairman of the Central New York Regional Transportation Authority.

Re-elected to a one-year term as authority vice chairman is **Mitchell Shulman** who has served on the board since 1977.

Harold W. Orchard, a board member since 1976, was elected secretary and **Jean P. Anderson**, a board member since 1979, was elected treasurer.

DALLAS, TEXAS—Dallas Area Rapid Transit has named replacements for two board officer positions that were recently vacated by outgoing board members.

Raymond Noah, who represents the city of Richardson, will fill the vice chairman position vacated by city of Dallas representative **Linda Wise**. Noah has served on the board since 1974.

J.B. Jackson, who has represented the city of Dallas on the board since 1984, will serve as assistant secretary. Jackson replaces **Donna Halstead** who resigned in May.

Three city of Dallas representatives have been appointed to the DART Board of Directors—**Sandra (Sandy) Greyson**, **Robert (Bob) McElearney**, and **Jim Williams Jr.**

RIVERSIDE, CALIF.—**Steve Connell** has been named assistant general manager for the Riverside Transit Agency. In his new position, Connell will be responsible for overseeing the marketing and planning departments, contract administration, and transportation services.

He brings to RTA 13 years of experience in public transit and the oil and gas industry. Prior to RTA, Connell worked with administrative and maintenance services at Connecticut Transit in Hartford. He holds a bachelor's degree from Florida State University and a master's degree in public administration from the University of Akron.

CHICAGO, ILL.—**Dorothy A. Brown** has been appointed to the position of manager of internal audit at the Chicago Transit Authority with responsibility for coordinating the agency's internal audit programs and reviewing all financial records and operations.

Brown comes to CTA from Odell Hicks and Company, certified public accountants, where she was senior manager. She is a graduate of DePaul University with a master's degree in business administration.

Burton E. Morrow has been appointed chief of Washington Metropolitan Area Transit Authority's Metro Transit Police.

Morrow has been with the authority since 1974 and has served as acting chief of police since January 1991. He was appointed assistant chief in 1986.



CONNELL



BROWN



MORROW

DOJ and EEOC Issue Final Regulations Implementing ADA

By Edward J. Gill Jr.
APTA Assistant Chief Counsel

The Department of Justice and the Equal Employment Opportunity Commission both issued final regulations on July 26 covering portions of the Americans with Disabilities Act. The DOJ regulations cover the provision of state and local government services—including public transportation to persons with disabilities, and the EEOC regulations cover equal employment opportunities for individuals with disabilities.

The EEOC's regulations become effective on July 26, 1992. Employers—including transit systems—with 25 or more employees must conform to the regulations begin-

ning on that date. Employers with 15 or more employees must conform beginning on July 26, 1994.

Along with the regulations, the commission also issued interpretive guidance to ensure that qualified individuals with disabilities understand their rights under the regulations, and to facilitate and encourage compliance by employers.

The EEOC made a number of important changes to the proposed regulations and interpretive guidance issued on Feb. 28.

The proposed regulations provided that the first step in determining whether an individual with a disability is a qualified individual with a disability is to determine

(See ADA, page 6)

Medical Tribune



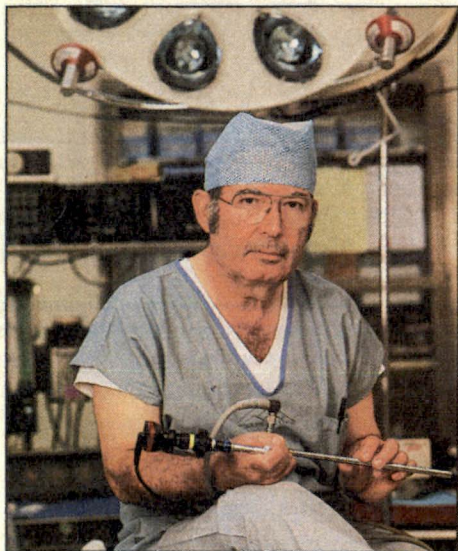
Thursday, September 5, 1991

THE PHYSICIAN'S NEWSPAPER

Volume 32, Number 18

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News Summary



Minimally invasive laparoscopic hysterectomy can cut recovery time almost in half, according to Dr. Del Valle of Concord, Calif. Page 15.

Secondary hypertension

Uncovering secondary causes of hypertension can be lifesaving, experts say. Page 2.

Latex liability

First latex-linked liability suit charges

Disabled-care issue heats up

New self-help clinic and law put focus on 'unmet national need'

By Bill Ingram

The nation's first self-help clinic for the disabled is scheduled to open early next year in New York City, an advocacy group announced last month. The clinic will be operated and in part staffed by the disabled and will deliver healthcare exclusively to the disabled.

The advocacy group has received a \$700,000 Robert Wood

Johnson Foundation grant to provide access for and meet the "unmet health needs" of a minority that constitutes 35 million people nationwide.

The clinic may serve as a strong reminder of a legislative mandate as well as a national model, said Lex Frieden, who chairs the advisory panel of the National Center for Medical Rehabilitation Research.

He noted that access to healthcare generally and doctors spe-

cifically has been identified as "a prime unmet national need" of the disabled and has been addressed in the Americans with Disabilities Act (ADA).

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"I don't see it as ironic [or redundant] that the self-help clinic

is starting up at the same time the ADA is being implemented," said Frieden, who is also an assistant professor of physical medicine and rehabilitation at Baylor College of Medicine. "Even after the ADA resolves some of the basic issues, there will remain issues of personnel shortages and who pays."

The coincidence "only accentuates the pre-existing problem," said Michael Fleming, M.D., of Shreveport, La., who is

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"Almost all of us in family practice not only treat but are very sensitive to the problems of the disabled. My group sees dozens—gratis. But most of

See back of section, page 8

Rural doctors consult via television

By Tom Abate

A two-way television link between a rural West Texas hospital and a large university center hundreds of miles away



Graft eases parkinsonism

By Rick McGuire

SAN DIEGO—Two Parkinson's disease patients who underwent surgery to implant

Clinic expands disabled care

Continued from page 1

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"I agree that we have to address access in terms of reimbursement and physicians' willingness to see patients," said Frieden. "We also must realize there is a shortage of people with the necessary training to take care of the chronically impaired. Many disabled are misdiagnosed because the physician tries to examine them in a wheelchair."

"The self-help clinic model doesn't necessarily help solve the payment problem. But it is probably the cutting edge of the new trend in the provision of services—not only to the disabled but to other groups that have been historically underserved by the traditional community system. If this can happen in New York City, which has com-

monality with so many other places suffering a lack of resources and presenting transportation difficulties and other access problems, it will be replicated."

"Self-help clinic care is not necessarily better care," said Tom

Strax, M.D., chair of PMR at the Robert Wood Johnson School of Medicine, Piscataway, N.J. "Major medical centers—and New York has some of the best—will also have to accommodate the disabled," Dr. Strax said.

Program will offer diverse services

"Comprehensive care for the disabled with an independent living model (ILM) incorporated" will be offered by the self-help clinic due to open next spring, said Marilyn Saviola, a quadriplegic who is executive director of the Center for the Independence of the Disabled in New York, Inc.

CIDNY, a group that counsels the disabled on managing their own affairs, will operate the clinic, with some disabled staff.

"To get started," said Saviola, "we'll probably take over an existing facility" in the absence of a Certificate of Need from the state.

"We'll be totally accessible. Relying heavily on nurse practitioners, and with physician consultation, we'll handle complaints that would turn up in any general practice—infections, stomach problems, gynecologic problems. We'll have nutritional counseling, family planning and other special services."

Television system links rural MDs to large centers for patient consults

Continued from page 1

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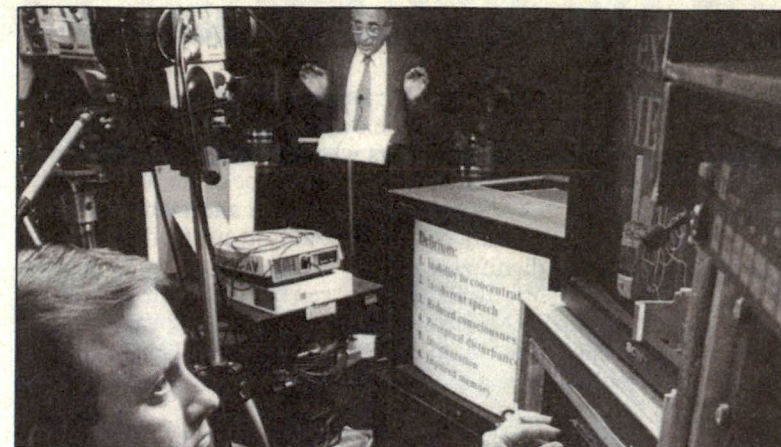
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Dr. Myers recommended that Aida be given intravenous sodium bicarbonate and oxygen therapy.

Soon the child was strong enough to make the three-hour ambulance ride to the nearest neonatal intensive-care unit.

Another hospital in Fort Stockton, Texas, has just been hooked up to Texas Tech via two-way television, Dr. Luecke said.

The two-way television hookup evolved from an earlier project called MEDNET, which provided one-way satellite broadcasts of



A Texas Tech psychiatrist offers expertise for use by rural physicians.

medical education programs to 27 hospitals in rural West Texas.

The success of that program convinced Texas Tech that rural doctors were ready for a more ambitious experiment in two-way television.

"We have demonstrated in spades the life-saving capabilities of the system and the usefulness of long-distance consultation," said Darryl Williams, M.D., dean of the Texas Tech School of Medicine.

"The program is designed to speak very easily to rural hospitals anywhere," said associate dean Jay Wheeler, M.D.

A \$4 million state and federal grant funded the program, said J. Ted Hartman, M.D., director of MEDNET at Texas Tech. "Rural hospitals could not have afforded to develop these services on their own."

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record of safety and efficacy...



Fetal cells spur cerebral gains

Continued from page 1

a professor of medicine and phar-

Medical Tribune



THE PHYSICIAN'S NEWSPAPER

Volume 32, Number 18

Disabled-care issue heats up

New self-help clinic and law put focus on 'unmet national need'

By Bill Ingram

The nation's first self-help clinic for the disabled is scheduled to open early next year in New York City, an advocacy group announced last month. The clinic will be operated and in part staffed by the disabled and will deliver healthcare exclusively to the disabled.

The advocacy group has received a \$700,000 Robert Wood

Johnson Foundation grant to provide access for and meet the "unmet health needs" of a minority that constitutes 35 million people nationwide.

The clinic may serve as a strong reminder of a legislative mandate as well as a national model, said Lex Frieden, who chairs the advisory panel of the National Center for Medical Rehabilitation Research.

He noted that access to healthcare generally and doctors spe-

cifically has been identified as "a prime unmet national need" of the disabled and has been addressed in the Americans with Disabilities Act (ADA).

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Center lends a hand with law on disabled

Facility will provide training, answers

By DEBRA BEACHY
Houston Chronicle

Employers trying to figure out how to comply with a new law that outlaws discrimination against the disabled soon will have help.

A Houston-based five-state regional center that will provide information on the Americans with Disabilities Act is fielding calls now, and will have an 800 number by January, said Lex Frieden, senior vice president of Houston's Institute for Rehabilitation and Research.

The center will provide free information and on-site training for businesses and the disabled, he said.

The center — one of 10 in the country — is being set up with a five-year, \$1.5 million grant from the U.S. Department of Labor's National Institute for Disability and Rehabilitation Research.

The law, promoted by Frieden and passed two years ago, goes into effect in several phases.

Starting Jan. 26, businesses with more than 25 employees are required to accommodate the disabled in public areas like lobbies and elevators, said Margaret Nosek, the center's director of research and assistant professor of physical medicine and rehabilitation at Baylor College of Medicine.

The Houston-based center will provide telephone consultation and written materials, in addition to training programs in Texas, Oklahoma, New Mexico, Louisiana and Arkansas.

Nosek said many of the modifications to public areas cost little. They could include adding Braille to elevator buttons, and recordings announcing each floor.

Nosek said a company would be exempt from making modifications if their cost would create undue hardship. "An employer would have to make modifications to the extent the company is (financially) able to."

The law's second phase, covering employment discrimination, takes effect July 26. It is that part of the law that will most affect employers, especially small firms, said David D. Schine, a Houston attorney specializing in employment law and a director of the Greater Houston Small Business Action on Health, an employers' group.

The new law will have an impact on hiring, promotion and accommodation of people after they are injured both on and off the job, Schine said. Companies with between 15 and 25 employees have until 1994 to comply. Companies with fewer than 15 employees are exempt, he said.

The biggest cost to employers under the new law could come from litigation, he said. Disabled workers could sue for punitive damages once a new civil rights bill goes into effect. President Bush is expected to sign the bill soon.

"The new civil rights bill adds punitive damages to the Americans with Disabilities Act," Schine said. "It has some big holes that will be litigation traps for small businesses."

The first test cases will be heard by the Equal Employment Opportunity Commission, the agency that will enforce the employment parts of the law, he said.

Damages collected because of discrimination generally are not covered by insurance, Schine said.

"If a company is sued for employment discrimination, it all comes off the bottom line," he said.



President Carlos Saul Menem wants to

Argentina Nation's president

By KYLE POPE
Houston Chronicle

Argentine President Carlos Saul Menem said Wednesday he has cleared one of the last major roadblocks to his oil-industry privatization campaign.

Menem, speaking at a Houston energy conference on the first leg of a seven-day American visit, said he signed a decree Tuesday giving Western energy companies access to mineral rights in some of Argentina's most-prized exploration areas.

The move is part of a year-long push by Menem to dismantle the state-owned oil company in Argen-

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Foreign buyers eye stake in McDonnell Douglas

Reuters News Service

ST. LOUIS — McDonnell Douglas Corp. is discussing the sale of up to 40 percent of its commercial aircraft business to unidentified Asian inves-

Judith Bollinger, an analyst at Goldman Sachs, raised her 1992 earnings estimate for McDonnell to \$9 a share from \$8 based on the likelihood of an Asian investment in the company.

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By ANNE PEARSON

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Person to Person

Lex Frieden: Helping others overcome their disabilities can be kids' stuff

By GINA SEAY
Houston Chronicle

Challenges — that's what Lex Frieden calls disabilities like the one fate dealt him at age 18.

In 1967, Frieden was valedictorian of his high school class in Alva, Okla. He was an Eagle Scout, college-bound and determined to become an electronic engineer.

Then a car accident changed that agenda.

The accident severely damaged his spinal cord and left Frieden a quadriplegic. He is paralyzed from the neck down, dependent on an electric wheelchair to get around.

Some saw his injury as the end of a promising life. They talked about how far he might have gone if it hadn't happened.

For a time, Frieden asked, "Why me?"

"Until," he says, "you figure out there is no answer or there is nothing you can do about it anyway." Bad luck or whatever, that's the way it is. Move on.

College remained a goal; there was nothing wrong with his brain. However, many universities in the late 1960s didn't accept students with disabilities. Oral Roberts University in Tulsa, Okla., rejected him because of his wheelchair, Frieden said.

That made him mad. The anger fueled his drive to become a forceful civil-rights activist for people like himself.

The University of Tulsa did accept him. Its engineering school didn't have wheelchair ramps, so Frieden spent most of his time in the only building that was accessible, taking psychology classes.

In 1972, he graduated cum laude with a bachelor's degree in psychology. More degrees, certificates and honors followed.

Life is about excelling where you can, he says.

The 1970s also marked the start of his career as an activist. Frieden fought for passage of the landmark Rehabilitation Act of 1973, which prohibits discrimination against disabled people by colleges and other programs receiving federal



E. Joseph Deering / Chronicle

Lex Frieden, senior vice president of The Institute for Rehabilitation and Research in Hous-

ton, believes that Scouting is a great way for disabled kids to learn about their abilities.

funds. He advised the White House and Congress. He became executive director of the National Council on the Handicapped.

Frieden, 43, is now senior vice president of The Institute for Rehabilitation and Research in Houston, the organization that offered him therapy and aid after his accident.

His work always has been about opening doors for disabled people, but until now it has focused on taking care of necessities. Now Frieden's agenda includes creating opportunities for children to have fun — kids' stuff.

For two years, Frieden has chaired the Scouting for the Handicapped committee of the Sam Houston Council of the Boy Scouts of America.

It's a volunteer position, but a vital one responsible for raising money and recruiting the right people to keep the program going.

He is the first person with a disability to chair the committee, bringing a distinct sensitivity to the job. He knows what children

with visual, mental, hearing or physical disabilities need, want and can do. Like a Pied Piper, he has brought other adults with various disabilities along to work for and with these Scouts.

Seeing Frieden's achievements is not always enough to convince these children of all they can accomplish.

"I don't think they're going to be impressed by an old man in a wheelchair," Frieden says — even if he is wearing a suit and has his own office.

Giving them a chance to see themselves doing kid tasks, camping and swimming, is more important to them — and crucial to building the self-esteem and confidence they'll need to achieve adult goals.

"These young people have abilities as well as disabilities," he says. "Teaching them how they can use their abilities to compensate is important."

Scouting can do this, he says. Frieden's goals include making all

Scout campsites accessible to disabled children.

The greatest progress has been made at the council's Camp Strake near Conroe. Picnic tables, latrines and showers there accommodate wheelchairs.

Convincing more Scout leaders to reach out to disabled boys in their neighborhoods, inviting them to become members of every troop, is another priority.

Scouting for the Handicapped, started locally in 1974, reaches about 3,500 youngsters. Many more need this chance, says Frieden.

Occasionally, Frieden has a chance to mingle with the children at Scout banquets and other events.

Self-pity isn't something he sees much of among the boys. Most are motivated and have goals, even if they're as simple as playing, he says.

"Scouting is designed to encourage people to have goals and to take one step, go forward, adopt a new goal," he says.

ADA Could Have Huge Impact On Disability Ins.

By Jay M. Jaffe

It is not very often that a piece of legislation is passed which will benefit employees, employers, and insurers. The Americans with Disabilities Act of 1990 (or "ADA" as the act is usually identified) is precisely the type of law which is a winner from everyone's point of view.

In the coming months the American public will become increasingly aware of the ADA. This new law has phased-in effective dates starting in 1992.

What is surprising, however, is that this act has not been widely discussed in the insurance industry because it is legislation which potentially reduces rather than increases disability claim costs.

The ADA prohibits discrimination in a broad range of employment activities where disabilities are involved including:

- The application and interview process;
 - Hiring and termination practices;
 - Compensation;
 - Promotion; and
 - Job training
- The significance of this act for

the disability insurance business is simple: employers must now make reasonable accommodations for employees who are otherwise able to perform the essential functions of their jobs provided that the accommodations do not create an undue hardship for the employer.

Because employers will be required to make changes in the work

The Americans With Disabilities Act Seen Benefiting Everyone

environment or in the way a job is performed to allow an individual with a disability to perform the essential functions of his or her job, it is reasonable to predict that some disabled persons who would otherwise remain disabled will be returning to active employment.

For example, a disabled employee may be reassigned to a position with limited hours or have the physical job site altered to provide access if either of these solutions enable the employee to again perform the essential functions of his

or her job.

While visible reductions in either short- or long-term disability claim costs because of the ADA will not become apparent for a while, insurance companies should begin planning for the provisions of the ADA. In the future it will be cost effective for the various insurance companies providing short-term, long-term, credit, and workers' compensation benefits to operate highly coordinated claim settlement activities to be certain that the provisions of the ADA are being utilized by employers.

There will be any number of problems before insurance companies will be able to work together smoothly to better manage disability claims.

The ability of companies to share information will require changes in claim forms to allow this to happen. Also, the companies will have to work out systems to share in the costs which are incurred getting an employee back to work especially when it is clear that there is a disproportionate benefit to one of the insurers.

Under the ADA, insurance companies will have to grapple with redefinitions of disability. Will the meaning of an insured's inability to perform "his own occupation" or "any occupation" change when a disabled person is given more opportunities to return to work than now exist?

Will there be an impact, if any, on the pricing and reserving of disability products caused by the possibility of increased claim recovery rates? Reduced claim costs are the ultimate aim but it will be a while before the effects of the ADA are known. On the other hand, specific employers in specific cases may be able to see more immediate results.

The trends in disability claim costs caused by the ADA will eventually be reflected in actuarial statistics. But the competitive insurance world may not wait for published data before making financial changes to claim cost patterns used in product pricing.

Insurance companies will have to decide how they can evaluate whether an employer has considered the ADA in the handling of a disabled employee. Again, this may require a whole new series of questions on claim forms and changes to existing claim processing procedures.

Another issue is how far can or

Jay M. Jaffe is president of Actuarial Enterprises, a Highland Park, Ill.-based marketing and actuarial consulting firm.

should an insurance company go to assure compliance with the ADA. Will it be necessary for insurers to become proactive with employers and employees if it appears that the provisions of the ADA are not being met in order to protect the insurer's interests? Or, will knowledge of the ADA become one of those service functions which em-

The Act Potentially Reduces Disability Ins. Claim Costs

ployers expect when searching for disability insurance carriers?

The effective use of rehabilitation services will become a more important skill under the ADA. Will employers now share some of these costs or force insurers to bear this entire burden? And how will employees who resist rehabilitation services be handled?

An insurer's legal liability could increase under the ADA. Claim files may turn out to be key exhibits in ADA-related litigation no matter whether it is initiated by employers or employees. Will insurers have to set new standards for the form and content of claim files which are used by third parties?

The ADA is not the only piece of legislation which affects disabled employees. There are now other state and Federal laws which contain provisions similar to the ADA when the ADA is not applicable. Both insurers and employers need to become familiar with these to assure compliance with all applicable statutes.

It is not often that legislation is passed which has the potential to benefit employees, employers, and insurers. To assure that its voice will be heard and its expertise will be used, the disability insurance industry must begin to address the provisions of the ADA that have a direct bearing on its customers. Otherwise, it is likely that the ADA, truly an opportunity to control disability claim costs, may be applied without recognition of the disability insurance industry's point of view.

Among the first steps which should take place is the publication of articles describing the ADA by insurance trade journals and the scheduling of discussions about the ADA at industry meetings. Perhaps, with this beginning, the disability insurance industry will begin to formulate its role in the long process to sort out how the provisions and regulations of ADA will be applied in real life situations.

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BUSINESS HOUSTON

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the business of
doing business

AHEAD

AY

TS — The U.S. role in the peace process will be the focus of a luncheon beginning at 11:30 a.m. at the Westin Galleria Hotel. Speaker: Richard W. Casey, U.S. Ambassador to the Middle East. Casey is one of five to receive the title of career ambassador and one of five to receive the title of career ambassador prospects for peace and U.S. involvement can

SDAY

Business Administration will be reviewed at a seminar at 10 a.m. at the George R. Brown Convention Center. Topics: relating to small businesses, mentoring assistance, and for certified public accountants and loan packages. \$4870.

ORIENT — Washington Don Oberdorfer will be featured speaker at The Asia Society/Houston luncheon beginning at 11:30 a.m. at the Four Seasons Hotel, 1300 Lamar. Program: Oberdorfer, a veteran reporter and author of a new book on the history of U.S.-Soviet relations, was a member of the press corps accompanying Secretary of State James A. Baker III to China, Japan and Korea. \$9-0051.

— Alvin Lubetkin, president of Houston Importing Goods, will offer information on doing business at a luncheon at the International Council of Shopping Centers, 111 North Post Road West, 77001. \$11-30 a.m., Houstonian Center, 111 North Post Road West, 77001.

WEDNESDAY

— U.S. Rep. Mike Anderson will be the guest speaker at a



Manuel E. Chavez/The Houston Post

Bob McDonald, from left, Joe Bontke and Henry Wycislo of Accessibility Consultants Inc. point out

how barriers like this stop sign on a ramp near 11 Greenway Plaza hinder disabled people.

MAKING HOUSTON MORE ACCESSIBLE

By CYNTHIA SHANLEY
OF THE HOUSTON POST STAFF

THE OWNERS AND managers of Houston office buildings, retail centers, restaurants and hotels are looking at their facilities from a whole new perspective.

They are examining them through the eyes of the 500,000 Houstonians with disabilities.

The analysis won't stop at physical

Local companies prepare for ADA

structures, either. Also under review are employment practices, transportation, state and local government services and telecommunications.

All this scrutiny is a result of the Ameri-

cans with Disabilities Act of 1990, which provides civil rights protections to individuals with disabilities.

Parts of the ADA, hailed as the most significant legislation since the Civil Rights Act of 1964, go into effect in January and July 1992.

Everyone from employers to regulators to building owners to legal experts has been trying to sort through the ADA's re-

Please see **ACCESSIBLE**, E-8

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WORK PLACE Page E-4

SUCCESS

Seismic data brokerage firms were once considered almost "second-class citizens" within the geophysical industry. But that has changed. Now they're responsible for most of the seismic land crews working in the United States. Pri-



Bush Library Photocopy
Preservation

ACCESSIBLE: Houston firms hope to meet needs of disabled

From E-1

quirements and meet compliance standards.

"A lot of the larger organizations are really starting to respond," said Bob McDonald, president of Accessibility Consultants Inc., a local company that advises firms on eliminating physical barriers.

Part of that is because large corporations typically are at the forefront of change. It's also true that they are the first group to be affected by the ADA.

As of July 26, employers with 25 or more employees must comply with employment regulations set by the ADA.

Employers with 15 to 24 employ-

ees must comply by July 26, 1994.

Companies with fewer than 15 employees are exempt.

Size won't be a factor, however, in the area of public accommodations. Under this section of the ADA, which will go into effect Jan. 26, all private entities such as restaurants, hotels and retail stores may not discriminate against people with disabilities.

Specifically, auxiliary aids and services must be provided to individuals with vision or hearing impairments or other individuals with disabilities unless an undue burden would result.

Appropriate auxiliary aids and services may include services and devices such as qualified interpreters, assistive listening devices, notetakers, written materials, qualified readers, taped texts and Braille or large-print materials.

An "undue burden" is one that would require a fundamental alteration in the nature of the goods or services provided.

Physical barriers in existing facilities must be removed, if removal is readily achievable. If not, alternative methods of providing the services must be offered, if they are readily achievable.

"Readily achievable" is defined as easily accomplishable and able to be carried out without much difficulty or expense.

As for employment, companies may not discriminate against an individual with a disability in hiring or promotion if the applicant is otherwise qualified for the job.

An individual with a disability is defined as a person who has a physical or mental impairment that substantially limits one or more major life activities (such as seeing, hearing, speaking, walking, breathing, performing manual tasks, learning, caring for oneself and working) and has a record of such an impairment or is regarded as having an impairment.

Employers will need to provide reasonable accommodation to individuals with disabilities.

"Reasonable accommodation" is defined as any modification or adjustment to a job or the work environment that will enable a qualified applicant or employee with a disability to perform essential job functions.

Employers will not have to provide accommodations that impose an undue hardship on business operations.

An "undue hardship" is defined as an action requiring significant difficulty or expense based on a number of factors such as the nature and cost of the accommodation in relation to the size, resources, nature and structure of the employer's operation.

COST OF EMP

Some employers fear high workplace alterations. But accommodation and only in excess of \$100.

Need accommodation costing in excess of \$100 7%

Need accommodation costing less than \$100 10%

SOURCE: Senate Committee

Sources of info

The following provide information and assistance to Americans with Disabilities Act:

The Institute for Research and Research, ILRI Technical Assistance ADA: 520-0232 (voice) 5136 (TDD).

Job Accommodation 1-800-526-7234 (TDD).

"Congress emphasized over again they weren't create a disaster financially," said McDonald, "they were very sensitive to business."

McDonald and other ADA say much of what is required law won't cost business a

The Job Accommodation work completed a study that 31 percent of all buildings can be done at n

It also reported that 6 cost under \$100 and 88 p under \$1,000.

Less than 1 percent cost than \$5,000.

And companies can receive benefits. Capital expenditures be deducted up to a maximum \$15,000 each year. Small businesses with revenues below \$1 million a year and fewer than 30 employees can receive tax credits for 50 percent of reasonable accommodations costing \$250-\$10,250.

Houston Lighting & Power American General Corp. Commerce Bancshares and Wood Development Co. among local corporations taken an aggressive approach to ADA.

TCB recently was named Governor of the Year by the Governor's Committee for Persons.

TCB, HL&P and American each created task forces to study the impact of the ADA on workplaces and facilities.

"There are two components to our review," said John F.

BREAKING DOWN THE BARRIERS

The Americans with Disabilities Act guarantees equal opportunity for individuals with disabilities in public accommodations, employment, transportation, state and local government services and telecommunications. Requirements of the ADA include:

EMPLOYMENT

- Employers may not discriminate against an individual with a disability in hiring or promotion if the person is otherwise qualified for the job.
- Employers will need to provide "reasonable accommodation" to individuals with disabilities. This includes steps such as job restructuring and modification of equipment.
- Employers do not need to provide accommodations that impose an "undue hardship" on business operations.
- All employers with 25 or more employees must comply, effective July 26, 1992.
- All employers with 15-24 employees must comply, effective July 26, 1994.

TRANSPORTATION

- New public transit buses ordered after August 26, 1990, must be accessible to individuals with disabilities.
- Transit authorities must provide comparable paratransit or other special transportation services to individuals with disabilities who cannot use fixed route bus services, unless an undue burden would result.
- Existing rail systems must have one accessible car per train by July 26, 1995.
- New rail cars ordered after August 26, 1990, must be accessible.
- New bus and train stations must be accessible.
- Key stations in rapid, light, and commuter rail systems must be made accessible by July 26, 1993, with extensions up to 20 years for commuter rail (30 years for rapid and light rail).
- All existing Amtrak stations must be accessible by July 26, 2010.

PUBLIC ACCOMMODATIONS

- Private entities such as restaurants, hotels, and retail stores may not discriminate against individuals with disabilities, effective January 26, 1992.
- Auxiliary aids and services must be provided to individuals with vision or hearing impairments or other individuals with disabilities, unless an undue burden would result.
- Physical barriers in existing facilities must be removed, if removal is readily achievable. If not, alternative methods of providing the services must be offered, if they are readily achievable.
- All new construction and alterations of facilities must be accessible.

STATE & LOCAL GOVERNMENT

- State and local governments may not discriminate against qualified individuals with disabilities.
- All government facilities, services and communications must be accessible consistent with the requirements of the Rehabilitation Act of 1973.

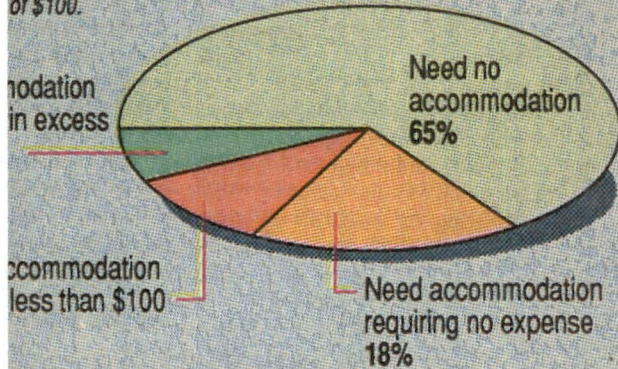
TELECOMMUNICATIONS

- Companies offering telephone service to the general public must offer telephone relay services to individuals who use telecommunications devices for the deaf (TDD's) or similar devices.

Source: U.S. Department of Justice

OF EMPLOYING DISABLED WORKERS

Employers fear hiring people with disabilities will require expensive alterations. But studies show many individuals need no special accommodation and only a small percentage require accommodation costing of \$100.



Senate Committee on Labor and Human Resources

The Houston Post

es of information, assistance for disabled

Following provide information and assistance with the Americans with Disabilities

Equal Employment Opportunity Commission: 1-800-669-EEOC (voice) or 1-800-800-3302 (TDD).

Institute for Rehabilitation Research, ILRU Regional Assistance Center on 1-800-0232 (voice) or 520-DD.

Department of Justice: 1-202-514-0301 (voice) or 1-202-514-0383 (TDD).

Accommodation Network: 1-800-26-7234 (voice and

Architectural and Transportation Barriers Compliance Board: 1-800-USA-ABLE (voice and TDD).

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and other ADA experts what is required by the business a cent. Accommodation Networked a study that found of all building modification done at no cost. reported that 69 percent 100 and 88 percent are

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Lighting & Power Co., General Corp., Texas Anchors and Friends-Development Corp. are corporations that have aggressive approach to the

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and American General task forces to review of the ADA on their facilities.

two components to said John Pluhowski,

director of corporate communications for American General.

One is a nationwide review of all facilities, both those the company owns and occupies, to make sure they are accessible.

The review was begun in July. An analysis of American General's Houston facilities identified some "modest" changes that need to be made.

Pluhowski said the changes would be completed or in the process of being completed by Jan. 26.

The second component is the formation of a company-wide task force, which is reviewing personnel procedures and practices to make sure they are in compliance. That process will be ongoing for the next several months.

HL&P developed a 10-point compliance program that includes re-writing all company job descriptions to define essential job elements, as well as a three-prong training program for 1,700 supervisors and managers, formation of an accommodations committee to evaluate workers' needs on a case-by-case basis and evaluation of accessibility.

"The ADA makes sense and it's going to save you money. Because a productive employee is not someone who's out there collecting workers' compensation and long-term disability, he is working and paying taxes," said Lorenzo Rodriguez, staff consultant at HL&P.

Wayne Polinard, 28, who is quadriplegic as a result of a swimming accident in 1988, was able to return to HL&P to a full-time job because of the company's attitude toward

people with disabilities.

Polinard, who was a mechanic in the field at the time of his accident, went through a year-long Houston Community College retraining program called Project Independence and additional training at HL&P. Today he is a computer programmer for the company.

Polinard, married for eight years and the father of a 4-year-old daughter, said he has had only support from his co-workers and employer.

Polinard said HL&P has made headway in making the workplace accessible to him and other individuals with disabilities.

For example, the company allows Polinard and another employee to park in the company garage, where it put in a wheelchair ramp and an automatic door.

"That's an accommodation, because employees aren't allowed to park in this garage," said Geri Kohnsberg, company spokeswoman. "It's strictly for company cars and some management. Other employees park in Tranquility, which is poorly accessible to persons with disabilities."

Friendswood Development contracted with Accessibility Inc. to inspect its five office buildings and seven shopping centers to determine if they comply with the ADA.

Charles Monaghan, manager of operations and engineering for Friendswood Development, said problems that need to be addressed immediately include changing the opening and closing pressures on doors, changing traction materials on the wheelchair ramps and modifying water fountains.

"Some of these will be costly, others won't," Monaghan said. "Most of the cost will come about when remodeling occurs later, then major changes will be required."

Anne Hirsh, a human factors consultant with the Job Accommodation Network, said she has received a number of calls from employers with questions ranging from how to alter individual work stations to making an entire facility accessible.

The number of calls has increased as the implementation date draws nearer. JAN received 1,157 calls in April and 1,560 in September.

"Some employers are panicking and some are going about dealing with it," Hirsh said. "Some are concerned about what accommodations will cost. That's probably the biggest misconception we hear."

Hirsch also said many employers mistakenly think the ADA is a quota bill and they'll have to hire someone not qualified.

Mike Schepperly, area manager for the Texas Rehabilitation Commission, said employers in general are more aware of what they need to do to comply with the ADA, but he doesn't expect to see vast improvement until the implementation date.

"It's going to take some time to adjust to," he said, "but many employers are going to find they have been employing people with disabilities and making accommodations without even realizing it."

Not all employers have taken im-

mediate action with respect to the ADA. As McDonald pointed out, the requirements are so complex, many are unsure about what to do.

That's one of the complaints businesses have.

Vague definitions and bureaucratic phraseology in the ADA will expose small businesses to unnecessary lawsuits and legal harassment, predicts the National Federation of Independent Business.

Terry Hill, spokesman for the NFIB, which represents more than 500,000 small and independent companies in 50 states, said, "We're quite frankly frightened about it."

NFIB Vice President John Motley said at the very least there will be "a lot of misunderstanding and confusion over this deliberately complicated law. At the worst, we expect many of these disputes will wind up in court."

The Justice Department, which will enforce public accommodation regulations, concedes some litigation is inevitable. But it believes employers who use the period prior to the effective date of employment coverage to adjust their policies and practices to conform to ADA requirements will be much less likely to have a serious concern.

Peter Brannan of the law firm Brannan & French, which specializes in civil rights law, said because of what the act prescribes employers to do, it will be easier to allege a cause of action.

"Firms that don't accommodate people with disabilities are now going to have to," he said. His advice to employers is to be aware of who is covered by the act. "It doesn't just apply to people in wheelchairs."

Brannan predicts attorneys and architects are going to work closer in the '90s, "because a lot of what can be done to alleviate litigation is show you have a plan to comply."

The Equal Employment Opportunity Commission, which is responsible for enforcing the employment provisions of the ADA, will provide all the technical assistance it can, said Harriet Ehrlich, district director.

"This is going to be a major function of our agency so we can let people know what they have to do and what is expected rather than to have to take immediate baseball bat enforcement action," Ehrlich said.

The EEOC will publish a technical assistance manual in January to help employers comply with ADA employment regulations.

Donna Guerrero Hollberg, assistant to the EEOC director, said attitudes will be the biggest barrier.

"A lot of employers are just terrified that they're going to have persons with disabilities working with them. They are lacking a lot of information about the capabilities and skills these people have," she said.

Lex Frieden, senior vice president of The Institute for Rehabilitation and Research, agrees.

"Attitudes are really the root of the problem when it comes to discrimination on any basis. You've got to get people in the workplace before the negative attitudes are going to begin to wash out," he said.

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Informing public big challenge

BY CYNTHIA SHANLEY
OF THE HOUSTON POST STAFF

One of the biggest challenges regulatory agencies face with respect to the Americans with Disabilities Act is making sure employers, people with disabilities and building owners know what the act requires of them.

The ADA is complex, and not surprisingly has raised a variety of questions, ranging from what is the ADA to what can be asked in a job interview to what building accessibility problems need to be addressed first.

In Texas, those and other ADA-related questions will be covered by the Independent Living Research Utilization program of The Institute for Rehabilitation and Research, which is gearing up as a clearinghouse of information for all aspects of the law, with particular attention focused on employers.

The ILRU program recently received one of 10 grants funded by the Department of Education, each one in a different region of the country, to provide technical assistance.

With the five-year, \$1.5 million grant, ILRU is setting up the Southwest Disability and Business Technical Assistance Center, which will be directed by TIRR senior vice president Lex Frieden and Wendy Wilkinson, a lawyer and center coordinator.

The SDBTAC will cover Texas, Oklahoma, New Mexico, Louisiana and Arkansas.

The center already has received calls for help from major corporations such as Chevron and Exxon as well as a number of small companies.

Frieden said while assistance will be provided to anyone who calls, the center likely will have the greatest impact on small- and medium-size businesses.

Large corporations generally have a great deal of support — staffs of attorneys, personnel specialists, architects, operations and building managers — and internal resources they can draw upon that smaller businesses don't have.

Smaller businesses usually have to depend on outside resources, and typically don't have the funds available to hire consultants.

"I believe the service we're going to be able to provide will have the greatest impact on them," Frieden said.



Dan Hardy/The Houston Post

Lex Frieden, director of the new Southwest Disability and Business Technical Assistance Center at The Institute for Rehabilitation and Research, and Wendy Wilkinson, center coordinator, are building a network of consultants and organizations to provide technical assistance and information relating to the Americans with Disabilities Act.

Regardless of who needs assistance, the SDBTAC intends to respond quickly and efficiently.

"We're developing a systematic approach to responding to questions and problems," said Frieden. "We have an agreement with the Better Business Bureau's Consumer Education Foundation, which is based in Austin. We're going to work with them to set up an 800 line over the five-state region that deals with ADA technical assistance."

Frieden said anyone with an ADA question will be able to call the 800 number and either listen to a pre-recorded message for general information, talk to an information specialist who can forward pertinent printed materials, or confer with an ADA specialist who will provide consultation over the phone first and then in person if necessary.

The 800 number will be in place in the first quarter of 1992.

"Other groups that are working with us in addition to the BBB include the University of

Houston, primarily the law school, and the University of Texas, primarily the business college," Frieden said.

The SDBTAC also is soliciting the cooperation of organizations serving business and people with disabilities throughout the region.

These include state rehabilitation agencies, state governors' committees on employment of people with disabilities, and independent living centers, as well as representatives of the National Federation of Independent Business, the various chambers of commerce, and several other business associations that have members throughout the region.

"We think these kinds of organizations can help to distribute information," Frieden said.

In addition, the SDBTAC is in the process of setting up a network of consultants who will be located in the major metropolitan areas throughout the five-state region to give expert advice on specific situations.

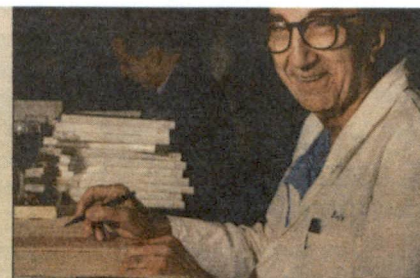
Eddy famous. Dr. Gotto, chief of internal medicine at The Methodist Hospital, and heart surgeon Dr. Michael E. DeBakey, who penned the forward of the book, signed more than 200 copies of the book during the evening event.

"The cookbook was written because of people's frequent requests for restaurant recipes," says Helen Roe, manager of Chez Eddy restaurant and a collaborator on the book. "The success of the book signing made it evident to us that people have a real desire to learn how to cook delicious, heart-healthy food."



(Top) Chez Eddy's heart-healthy food was one of the main attractions at the Chez Eddy Living Heart Cookbook signing at The Methodist Hospital.

(Above) Dr. Antonio Gotto signs one of more than 200 books at the Chez Eddy cookbook signing.



Dr. Michael E. DeBakey takes time out from signing books to smile for the camera. (Photos courtesy of The Methodist Hospital System's Visual Communications)

The hospital recently converted a conference room into a movie theater to show the critically acclaimed movie at no cost to more than 4,000 employees, physicians and their families. The movie screenings enabled the physicians and employees to view health care from the patient's perspective. Staff members were also invited to visit with Dr. Rosenbaum to discuss his experiences, patient care philosophy and the movie. (Photo by Jennifer Maxon)

New center to provide info, assistance on Americans with Disabilities Act

The Independent Living Research Utilization (ILRU) program of The Institute for Rehabilitation and Research (TIRR) has received a \$1.5 million grant from the National Institute for Disability and Rehabilitation

Research. The five-year grant will establish a regional disability and business accommodation center to provide technical assistance and information on the Americans with Disabilities Act (ADA).

According to Lex Frieden, TIRR senior vice president and ADA project director, "The ILRU Regional Technical Assistance Center on ADA will serve a five-state region to include Texas, Oklahoma, New Mexico,

Louisiana and Arkansas. To accomplish this ambitious project, ILRU has formed a partnership with the Better Business Bureau's Consumer Education Foundation, faculty members from The University of Texas College of Business and the University of Houston College of Law, and independent living centers operated by and for people with disabilities in the five-state region.

The regional disability and business accommodation center will disseminate information, provide technical assistance, conduct training, and provide referrals for specialized information to businesses, people with disabilities and others affected by the ADA.

For more information on the new Technical Assistance Center on ADA, call 520-0232 (voice) or 520-5136 (TDD).

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METRO opens more routes to people with disabilities



Four more bus routes have become accessible to METRO's patrons with disabilities, including one which provides direct service to the Texas Medical Center.

The 15-Fulton, 26/27 Outer/Inner Loop Crosstown (which goes to the Texas Medical Center) and 58-Hammerly are now fully accessible to individuals with disabilities; the 56-Airline

Limited is accessible, although it has selected trips operated with articulated buses which are not lift-equipped.

The addition brings the total number of METRO routes accessible to the disabled to 11.

The others are: 1-Hospital, 33-Post Oak Crosstown, 68-Brays Bayou Crosstown, 72-Westview, 87-Yellowstone, 95-Uptown/Post Oak and the 98-Briar-gate. Both 1-Hospital and 68-Brays Bayou Crosstown provide direct service to the Texas Medical Center. 1-Hospital also goes to Lyndon B. Johnson General Hospital.

In 1989, the METRO Board adopted a policy that all future buses purchased by the Authority would be wheelchair accessible. Along with buying lift-equipped buses, the Authority was to proceed with making its routes accessible to the disabled community.

A task force made up of METRO staff and representatives from the disabled community have been working together to identify routes and bus stop improvements for accessible service.

SHORT TAKES

The Blood Center receives renewal of national accreditation

The Gulf Coast Regional Blood Center has been granted renewal of its accreditation by the American Association of Blood Banks.

Accreditation follows intensive on-site inspections by specially trained representatives of the Association and establishes that the level of medical, technical and administrative performance meets or exceeds the American Association of Blood Banks standards.

The Association is the primary standards setting organization in the world. Approximately 2,200 blood banking organizations worldwide have earned the accreditation rating and recognition of quality performance.

As Bill T. Teague, president and chief executive officer of The Gulf Coast Regional Blood Center, explains, "The American Association of Blood Bank's inspection and accreditation program is voluntary. However, The Blood Center, like most other blood centers in the country, seek accreditation because it represents a level of professional and medical expertise that meets and exceeds government regulations. The primary goal of the program is to assist facilities like ours to achieve excellence, and thus provide higher quality blood, blood components and other services to patients and donors."

The *Standards for Blood Banks and Transfusion Services* were written by a distinguished panel of specialists in the field of immunohematology, composing the Association's committee on standards. The National Committee on Inspection and Accreditation assures compliance before granting accreditation.

The Blood Center serves over 109 health care institutions in a 17-county region in and around Harris County. It was organized in 1974 by the Harris County Medical Society.

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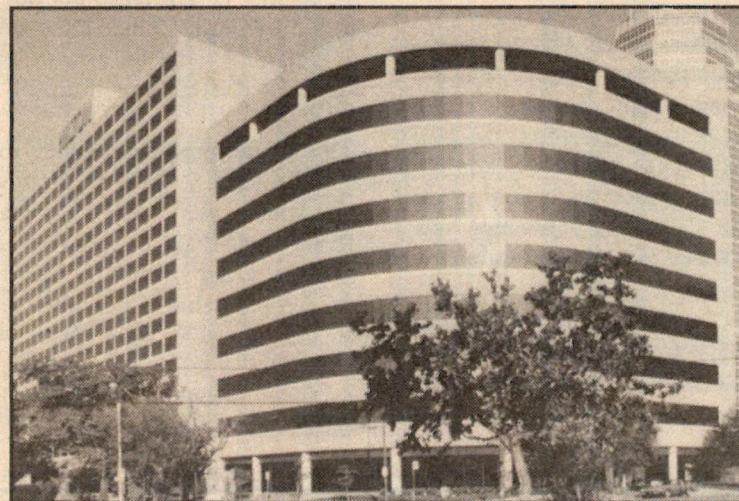
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