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Folder Title:

[Federal Disabilities Accommodations Working Group [loose]]

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Withdrawal/Redaction Sheet

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. list	Clearance List for Federal Disabilities Accommodations Working Group Meeting; RE: Personally Identifiable Information [partial] (1 page)	11/17/1994	b(6)
002. list	List of Attendees; RE Personally Identifiable Information [partial] (1 page)	09/29/1994	b(6)

COLLECTION:

Clinton Presidential Records
Domestic Policy Council
Diana Fortuna
OA/Box Number: 12029

FOLDER TITLE:

[Federal Disabilities Accommodations Working Group] [loose]

2007-0143-F
db4499

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

P1 National Security Classified Information [(a)(1) of the PRA]
P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P3 Release would violate a Federal statute [(a)(3) of the PRA]
P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

b(1) National security classified information [(b)(1) of the FOIA]
b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

THE WHITE HOUSE

WASHINGTON

July 26, 1994

MEMORANDUM FOR DOMESTIC POLICY COUNCIL

FROM: Carol H. Rasco, Assistant to the President for
Domestic Policy *CHR*

SUBJECT: Disability Issues Working Group

At yesterday's meeting of the DPC, we agreed to convene a working group on disability law compliance issues with a view to the Federal government setting an example and high standard for accessibility and workplace accommodations. Some of the topics that would fall within the purview of this working group would be assistive technology, eliminating disincentives to hiring qualified employees with disabilities, making information produced by the government available in accessible formats, and related topics in accommodating persons with disabilities as our co-workers and our customers.

You are invited to designate someone from your department or agency to join this working group. Please have that person's name submitted to Stanley Herr on my staff [phone: 456-5570 or fax: 456-7028]. I look forward to working with you on this issue of importance to the Administration and to the one in seven Americans who have disabilities.

E X E C U T I V E O F F I C E O F T H E P R E S I D E N T

07-Nov-1994 12:29pm

TO: Stanley S. Herr

FROM: Frances E. Walden
Domestic Policy Council

CC: Frances E. Walden

SUBJECT: Info on Vogel

Rec'd a call from Jo Staggers, 273-6761, Mr. Vogel's office. He is no longer part of the group. Ken Kunkel, 482-6720, Office of Equal Opportunity, has been assigned to replace him.

273-4901



Information Resources Management Service Clearinghouse on Computer Accommodation

Facsimile Cover Sheet

From:

Name

Fax #:

Phone #:

Location:

(202) 501-6269

(202) 501-4906

18th & F St. NW

Washington, DC 20405

Mail code KGDO Room 1234

To:

Name:

Fax #:

Phone #:

Location:

Stan Hess

456-7028

Total number of pages
including cover:

Comments:

DRAFT RECOMMENDATIONS

Information Technology Applications and Public Accommodation

Today, uncoordinated information technology developments, both public and privately funded, frequently have the unintended effect of diminishing rather than maintaining and advancing existing levels of usability by individuals with sensory limitations or individuals performing tasks in modality-unfriendly environments. The rights of people with disabilities to full participation in public facilities and continued employment opportunities may be abridged unless commitment to modality choice in the research, development, and deployment of information technology becomes a national priority (Attachment 1). The legislative foundation for this national initiative resides in the Rehabilitation Act and the landmark Americans with Disabilities Act. Current Administrative actions to advance this new national initiative are reflected in the National Performance Review (NPR) initiatives to make government more productive and more responsive to the needs of its citizens and the recent Information Infrastructure Task Force Report on *People with Disabilities and NII: Breaking Down Barriers, Building Choice* (Attachment 2).

RECOMMENDED NATIONAL GOAL #1

Information Technology development and procurement activities nationwide must be conducted in a manner that broadens distribution benefits to include people who require modality choice.

o Administration clarification and guidance on modality choice as a critical element within the public service delivery and accommodation responsibilities of governments and businesses covered by the Americans with Disabilities Act.

o Full-scale adoption of modality choice by Federal, state, and local government for all information infrastructure and interface development activities. The Domestic Policy Council should help establish performance agreements and reporting schedules among government bodies. Nationally-recognized programs such as the Clearinghouse on Computer Accommodation should have an expanded charter in order to provide proactive leadership and technical guidance to officials responsible for the research, development, and purchasing programs of governments. The following language from Senate Bill 4 reflects this action:

Title VI, Sec. 601 (a)(4)

"The Federal government should ensure that the technology developed under research and development programs like the High-Performance Computing Program can be widely applied for the benefit of all Americans including Americans with Disabilities."

the 103rd Congress

The recent report on *High Performance Computing and Communications: Toward a National Information Infrastructure* by the Office of Science and Technology Policy also acknowledges this opportunity. Addressing intelligent user interfaces, the report states, "A large collection of advanced human/machine interfaces must be developed in order to satisfy the vast range of preferences, abilities, and disabilities that affect how users interact with the NII."

- o All Federal IT procurements will address modality choice as mandated by Section 508 of the Rehabilitation Act (Pub. L. 102-569). Certification for modality choice will be incorporated into open systems certification conducted by NIST and independent testing laboratories. Offerors must obtain this certification as a prerequisite for proposal submission during agency acquisitions.

- o Modality choice will be a critical element in the Department of Labor's Occupational Safety and Health Administration draft ergonomics standard which is aimed at making the workplace safer. Providing workers with a choice of modality alternatives to a standard keyboard, including speech recognition, is rapidly becoming common practice in reducing repetitive strain injuries. (Attachment 3)

RECOMMENDED NATIONAL GOAL #2

New customer services made possible by information technology advances nationwide must be developed and conducted in a manner that broadens distribution benefits to include people who require modality choice.

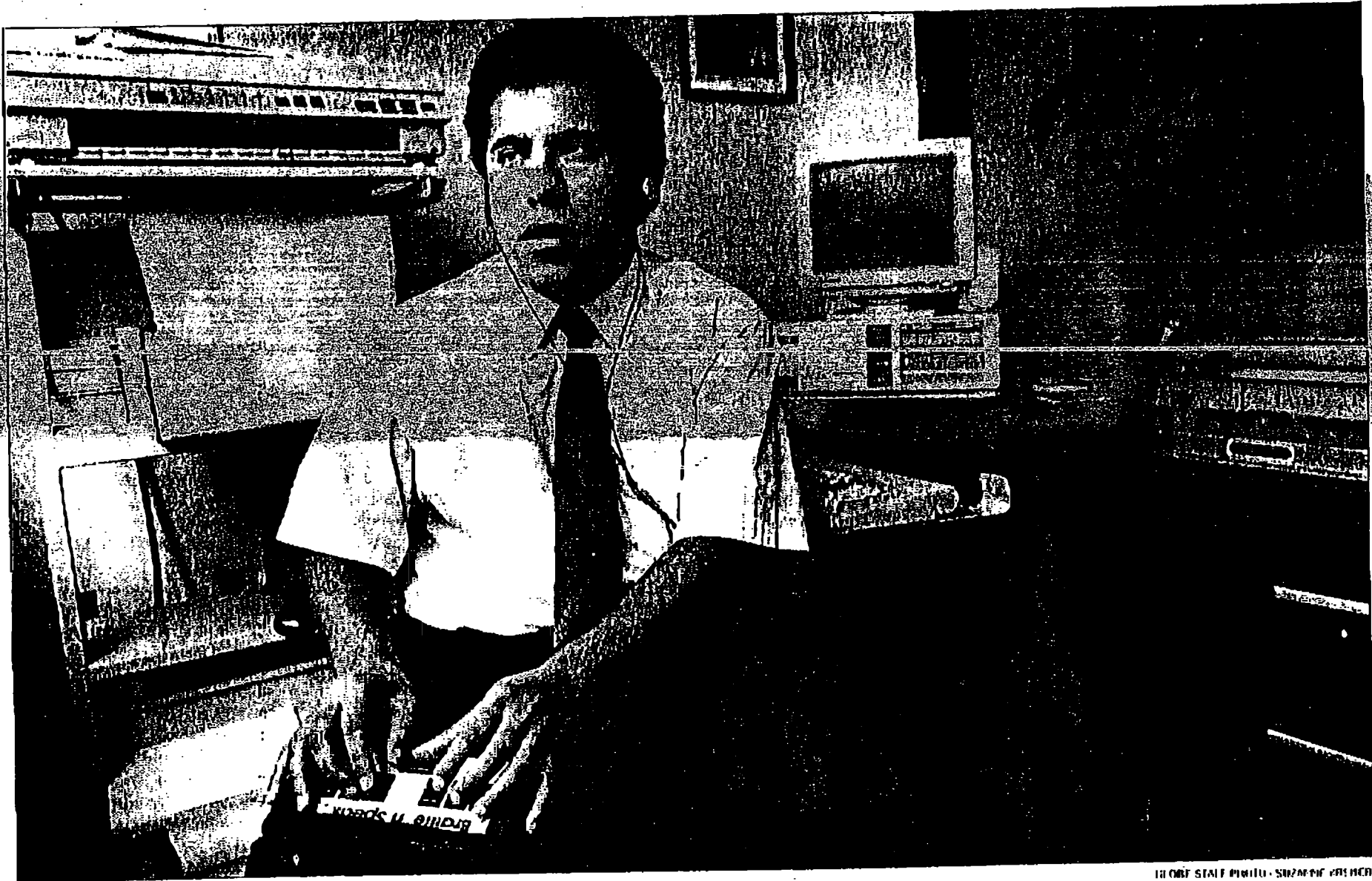
- o The modality choice actions outlined in the Information Infrastructure Task Force Report on *People with Disabilities and Not Breaking Barriers, Building Choice* should be recognized and adopted as strategic initiatives to the full implementation of the Americans with Disabilities Act and the Customer Service Standards of the National Performance Review.

RECOMMENDED ACTION BY THE DOMESTIC POLICY COUNCIL

The Domestic Policy Council, together with the National Security Council, the National Economic Council, and the President's Management Council, should sponsor a series of senior level Cross-Departmental meetings to identify lead officials and establish agency performance agreements necessary to attain full implementation of modality choice as 1) a national priority in Federal R&D, 2) a mandatory benchmark in Federal purchasing and National Information Infrastructure initiatives, and 3) a critical performance element in the NPR Customer Service Standards for the Federal Government.

"The blind community is at the highest risk right now of being first liberated by computers in the '80s and now enslaved in the '90s."

CHARLES CRAWFORD, Massachusetts commissioner for the Blind



Jawad Mazroui became a specialist in his field using machines that let him hear what he can't see.

18 ONE STATE PHOTO • SUZANNE PETERSON

12/16/94

12:13

6202 501 6288

SSA COCA

ATTACHMENT 1

004

Getting shut out by Windows

By Michael Pulzel
(Staff Writer)

Visual nature of popular computer program proves a threat to blind workers

James Mazrui had learned a lot about computers and information management software in four years at Harvard's John F. Kennedy School of Government. So when he was asked to jump at the chance to design new systems for another department,

Then he ran into Windows.

Mazrui is blind. He became a specialist in his field using machines that let him hear what he can't see. Those machines read words displayed on a computer screen, but they can't help him point with a mouse and click on the icons and boxes displayed on computer screens running software called Microsoft Windows.

"It looked like things were going for Mazrui's project, using a popular database software package that works without Windows, the 30-year-old Somerville man recounted recently. Then the people who had approached him heard about Microsoft Access, a database program

they were told would be easier for workers in the department to use.

Access, however, is a Windows-based product.

"They opted to go with it and hire an outside consultant to develop this for them," Mazrui said, adding that his own job eventually will have to be restructured because the school's computer services department has recommended that Windows be adopted throughout the school.

The great selling point of Windows, the operating system that has revolutionized computing in corporate America, is that, in general, it is easier to use than systems requiring the user to learn and type in sometimes cryptic commands.

To thousands of blind workers who can't see the graphical images on the screen, however, Windows has become not just an obstacle, but a threat.

The blind community is at the highest risk right now of being first liberated by computers in the '80s and now pushed out by the '90s, said Charles Crawford, Massachusetts Commissioner of the Department of Public Health.

Jeffrey Turner, a systems analyst for John Hancock Financial Services in Boston, who also is blind, said the widespread adoption of Windows in his office and others around the country "is just killing us."

Turner has been writing computer programs for his company for nearly 10 years and said John Hancock has spent more than \$10,000 for the special equipment he needs to do his job despite his blindness. But Turner is now the only person in his department who is not linked to his colleagues by a local area computer network.

He can't use the e-mail system the company is adopting, nor does he work in Microsoft Word, the standard

WINDOW, Page 8

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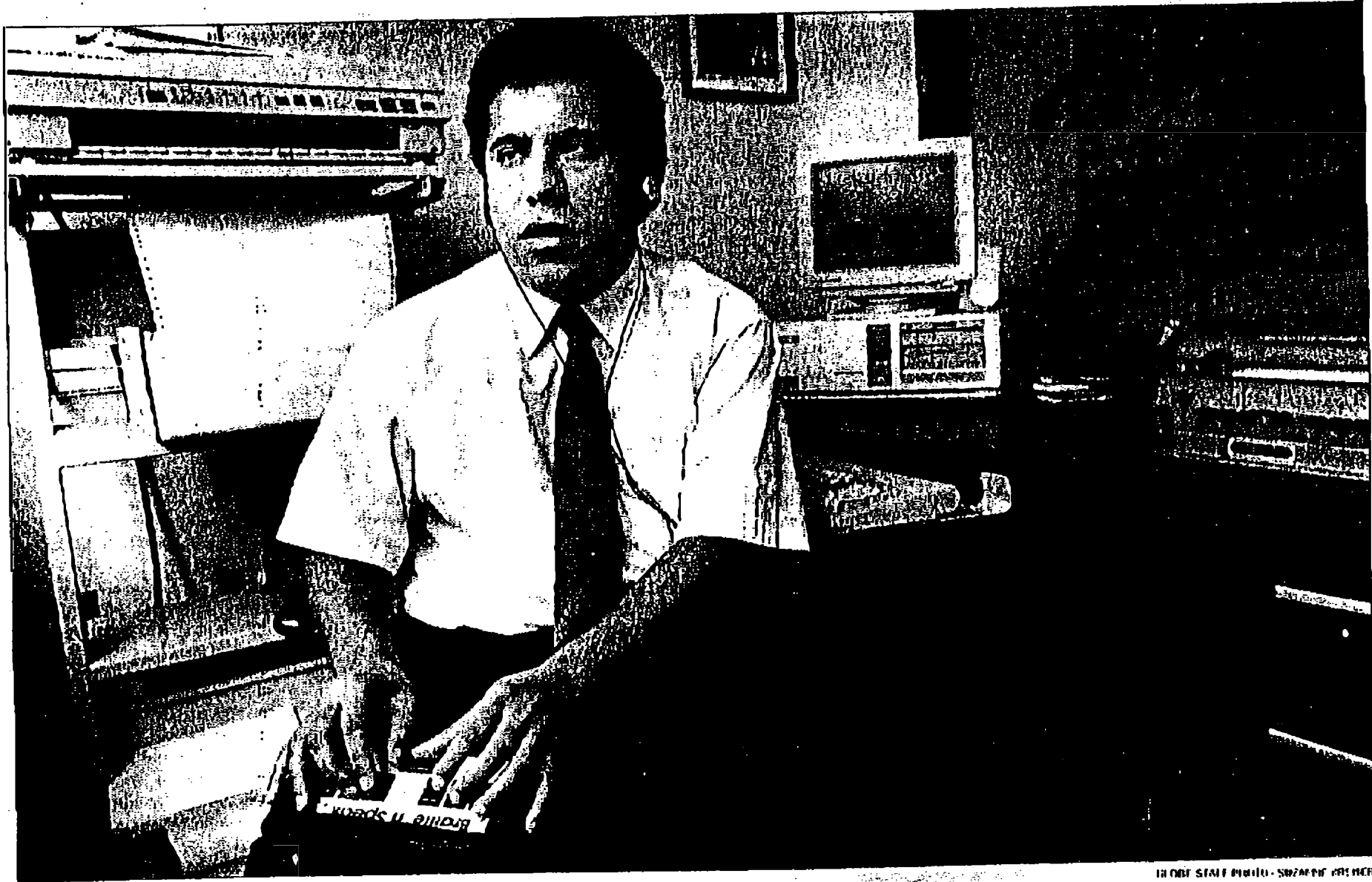
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Jamel Mazrol became a specialist in his field using machines that let him hear what he can't see.

PHOTO BY STEVE GRANITZ FOR THE BOSTON GLOBE

12/16/94

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GSA-COCA

ATTACHMENT 1

004

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By Michael Pitzel
GLAMIE STAFF

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WINDOW, Page 8

Visual nature of popular computer program a threat to blind workers

■ WINDOW

Continued from page 7

word processing program used by his colleagues. They operate under Windows.

"I'm locked out of it all," Turner said. The blind "are going backwards with technology advancing."

Turner has spent his career working with mainframe computers, which use text commands and computer language he understands. But the company's development efforts are concentrated on smaller, Windows-based machines, and he can't work on the most challenging new projects.

"When they look at who they can consider for those positions, the cherries of the project, they couldn't consider me because I don't have access to Windows," Turner said.

Several companies produce software designed to read the information on a Windows screen and translate it into audible speech. The programs do help some users who run relatively modest programs. But Mazrul Turner and numerous blind users with considerable computer expertise said the screen-reading programs tend to "get lost" and misinterpret icons or information displayed in boxes on the screen.

"Despite the best efforts of a number of manufacturers to make this environment accessible to persons who are blind, it has been a well-intentioned but dismal failure," Crawford said.

In their book "Solutions: Access Technologies for People Who Are Blind," produced locally by National Braille Press, Olga Espinola and Diane Croft compare the development of graphical computer environments to dropping a guillotine on blind users.

"The technique of choosing from among pictorial images, called icons, in lieu of words, has been a deadly development" for the blind, the authors wrote.

An illustration of the problem blind users face shows equally well why the graphical environment has proven so popular outside the blind community.

"Instead of seeing the word 'mailbox' on the computer screen, for example, you actually see a picture of a mailbox," explained Espinola and Croft, both of whom are blind. "You can point your mouse to the mailbox, click the button, and presto, the mailbox opens up and you can read messages people have left for you." The key, of course, is being able to find the mailbox on the screen.

The Sensory Access Foundation, in a review of screen-reading programs that attempt to translate the information displayed on a Windows screen into audio for blind users, characterized the situation as a "nightmare."

Although IBM has made great strides with its screen reader for the company's OS/2 operating system, the reviewers said, similar programs for Windows have serious problems, either because they are unreliable or because

they don't work with some of the most common Windows programs.

The biggest problem for developers of screen-reading software, the reviewers said, is that programmers have few standards that would make it easier to write programs for the blind, and where standards do exist, the programmers frequently don't follow them.

Nick Dotson of Pensacola, Fla., a pioneer in finding ways for the blind to use CD-ROM and multimedia technology, said the problem is not confined to Windows itself but extends to many programs designed to run under Windows.

Microsoft's own programming groups don't follow corporate guidelines in writing computer code that a screen reader can follow, Dotson said, and it is, therefore, impossible to impose any discipline on other software developers.

Greg Lowney, Microsoft's senior program manager for dealing with issues affecting the disabled, acknowledged that the computer industry overlooked the implications of moving to the graphical Windows environment. But the blind community also ignored the issue initially, he said, because it wasn't apparent when Windows was introduced four years ago how quickly the new system would supplant the old.

The company now is working with developers of adaptive hardware and software to give them the technical information they need to design aids for the next version of Windows, which is due out in 1995. But Lowney admitted the new product, to be called Windows 95, will not contain sufficient code of its own to make future Windows-based programs accessible to the blind.

Jennifer Simpson, a Washington lobbyist who serves on a technology task force of the national Consortium for Citizens with Disabilities said it is difficult to legislate a solution.

"We don't want to lock into any one technology," she said, because that could impede progress. Simpson added, however, that making new programs and devices accessible is critical to millions of disabled people, "and nobody's thinking about this stuff, which is what it boils down to."

Joseph J. Lazzaro, another author of a book on adaptive technologies, said blind people "are having many of the gains we have achieved over the last 10 years taken away, and the chief culprit is Microsoft Windows."

Lazzaro said he doesn't expect to use drawing or visual art software on his computer but programs like Windows that use graphical images in place of written commands are not inherently closed to the blind.

By building "hooks" into the computer code to identify graphic images in words as well as pictures and by setting strict rules for programming where boxes appear on the screen, Microsoft could make Windows accessible to the blind, Lazzaro said.

"These are computers," he added. "It's not like trying to get a stone statue to talk."

OSHA Targets Repetitive Motion Injuries

Safety Rules Would Hit Most Workplaces

By Frank Swoboda
Washington Post Staff Writer

The Clinton administration plans to propose one of the broadest health and safety regulations in modern government history to control the epidemic of "repetitive motion" injuries that cost an estimated \$100 billion a year in lost work time.

Just weeks after the Labor Department's Occupational Safety and Health Administration proposed a virtual ban on smoking in the workplace, the agency is near completion of a draft "ergonomics standard" that would cover more than 120 million workers in all but the smallest companies.

If implemented, it would require employers to examine every job that has a potential ergonomics problem and to take corrective action when trouble is found. That might range from simple changes in the schedule

WORKING WELL

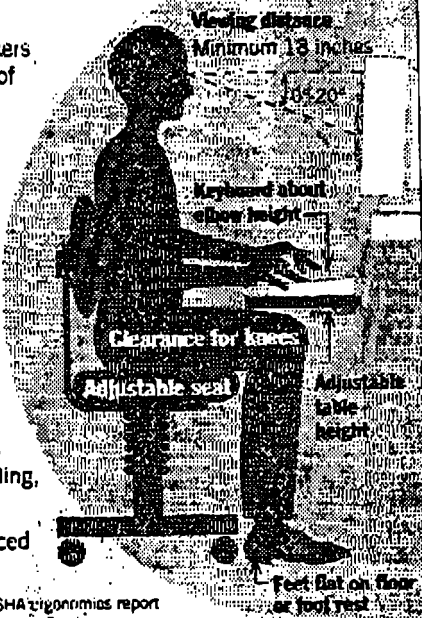
The government is considering tough new guidelines aimed at making the workplace safer. Ergonomics experts say that many at-work disorders can be corrected by having the right equipment and using it correctly.

WARNING SIGNS

According to OSHA's proposal, workers whose jobs require them to do any of the following may be at risk:

- **Performing the same motions** every few seconds for more than two hours.
- **Using vibrating tools** for more than two hours.
- **Lifting or carrying** anything weighing more than 25 pounds without assistance more than once during a shift.
- **Working in awkward positions** for more than two hours. Examples include doing overhead work, kneeling, stooping, squatting or bending.
- **Doing piece rate** or machine-paced work for more than four hours.

SOURCES: Liberty Mutual Insurance, draft of OSHA ergonomics report



THE WASHINGTON POST

of a typist suffering wrist strain to expensive redesign of equipment used by an assembly line worker.

A lobbying fight already has begun as drafts of the proposal surface. The regulation as eventually enacted may well be weaker than

what the safety agency wants.

The National Association of Manufacturers has formed a coalition to try to ensure that any standard is to its liking and is asking every member company to give \$5,000 to help

See OSHA A21, Col. 1.

WASHINGTON POST 11/4/94

OSHA Plans For RSI Rules Spark Battle

OSHA, From A1

build a \$600,000 fund. So far it has signed up 185 companies for its "Coalition on Ergonomics" and predicts that more companies will join once the standard is announced.

Labor unions are worried that time is running out to enact a final standard during Clinton's first term, because of the length of the regulatory process, and are accusing OSHA and the Labor Department of dragging their feet. They are pressuring friends in Congress and sympathetic outside groups to lean on the administration, which the unions contend is reeling from the reaction to its smoking proposals.

Work-related musculoskeletal disorders such as carpal tunnel syndrome, back strain and other repetitive motion injuries to the upper body now account for 60 percent of all new occupational illnesses.

Ergonomics, a term that first surfaced in the late 1940s, is the science of adapting work and working conditions to suit the worker rather than forcing workers to adapt to the design of the machine.

In the last decade, health experts have come to view it as the best solution to the repetitive motion injuries suffered by office workers using computers, grocery store checkout clerks using price scanners and slaughterhouse workers making repetitive knife cuts.

Concern over these injuries has mounted as computers proliferate in an emerging service economy. In

Many major corporations, including the three major U.S. auto companies and large food processing companies, already have implemented ergonomics programs that go far beyond this proposal.

1983, about 25 percent of the work force used computers on the job. Last year that number had climbed to 47 percent.

Half of the people who suffer from carpal tunnel syndrome, one of the major injuries resulting from long use of computer keyboards, lose more than 30 days' work. That is typically longer than absences caused by amputations and fractures, according to the Bureau of Labor Statistics.

Lower-back injuries make up an estimated 40 percent of all musculoskeletal injuries on the job, and the new OSHA standards will focus on the causes of these problems as well.

According to a summary of OSHA's latest draft proposal, employers would be required to identify potential ergonomic problems using a government checklist of five "risk factors." Once a "problem job" has been identified, an employer would have 60 days to fix the problem.

If the problem was too big to fix in that period, an employer would have to undertake a detailed analysis to determine what could be done to make the work safe and then implement appropriate changes in the work.

As part of this process, OSHA would require an employer to involve the workers whose jobs would be affected directly by the changes. Workers in so-called problem jobs also would be trained in how to deal with the hazards of their work.

Employers would be required to have a medical management program, ensure workers prompt access to medical treatment and, in the case of workers who use computer video screens more than four hours a day, reimburse employees for eye examinations and corrective eyeglasses.

Many major corporations, including the three major U.S. auto companies and large food-processing companies, already have implemented ergonomics programs that go far beyond this proposal.

Joseph Dear, the assistant secretary of labor in charge of OSHA, denied that the consideration process has been slowed down. "I work on this every day and I'm working very hard to get a standard proposed on ergonomics," Dear said in an interview this week.

Dear declined to give a timetable for release of the proposed standard, but said it would be "soon, as soon as I can do it." Last summer OSHA was telling people the standard would be ready by late fall, but lately even that target appears to be slipping.

Once OSHA is finished with the draft, it must submit the plan to Labor Secretary Robert B. Reich for approval. If Reich signs off on it, the proposal would go to the Office of

Management and Budget, which would have 90 days to approve it. The proposal would then be put out for public comment and hearings. That process could take as much as two years. Court challenges could further delay implementation.

Perhaps the best illustration of how long it takes to approve a major OSHA standard is the fact that Dorothy Strunk, who first proposed the ergonomics standard as the head of OSHA early in the Bush administration, is now a leader of the business coalition opposing it.

"It's as complex an issue as OSHA has ever addressed," Strunk said, insisting that business is not against a standard as long as it is scientifically and economically reasonable. Asked how much money the coalition had collected to fight the standard, Strunk would only reply: "In Washington you never have enough money."

THE WHITE HOUSE
WASHINGTON

Meeting of Appointees with Disabilities

November 8, 1994, 2:00-3:30 p.m.

Roosevelt Room

The White House

Agenda

Welcome and Introductions

Protection and Advocacy (P&A) Systems

- P&A for Persons with Developmental Disabilities
- P&A for Individuals with Mental Illness
- P&A for Users of Assistive Technology
- P&A for Individual Rights and the Client Assistance Program

Other Sources of Advocacy Assistance

Open Forum

Closing and Announcements

Carol H. Rasco
The White House

Natalie Reatig
Center for Mental Health
Services
Department of Health and
Human Services

Carol Cohen
National Institute on
Disability and
Rehabilitation Research
Department of Education

Parma Yarkin
Vocational Rehabilitation
Administration
Department of Education

Alexander D. Forger
Legal Services Corporation

Paul S. Miller
Equal Opportunity
Employment Commission

Liz Savage
Department of Justice

Full Group

Carol H. Rasco

GOTU

①

Sincere
Regret

a meeting
scheduled (POTUS)
+ the Chief of Staff
we all work in
we appreciate environment
Bob Williams
Department of Health
& Human Services

your moving to
this spacious
room of
peace
w/ a stand-in
chair, but
the same
profoundly
important
needs.
Thanks for
your adaptability
Take good
minutes
+ papers
that Carol
will be
overly
in debt.

Carol Cohen
National Institute on
Disability and
Rehabilitation Research
Department of Education

Parma Yarkin
Vocational Rehabilitation
Administration
Department of Education

Alexander D. Forger
Legal Services Corporation

Paul S. Miller
Equal Opportunity
Employment Commission

Liz Savage
Department of Justice

Full Group

Carol H. Rasco

450 mil / 323 program
12 back-up sites
no national priority
substantive reprogram/D
income areas (not state)
Jan 94 nacorp - 1993 data
80,000 SSI cases
accrual GA
3rd div. Criminal
Q: Gary Blum
Fernando Annoncentis

Q: Gary Blum
Fernando Annoncentis

hand care
policy procedures

Johnny
130-111
(John Wadley)
Excellent
primer.

Taylor

Miller

Hunter

Blountland lenses -

341C Jones

45

Office of the Secretary of Defense

Office of the Under Secretary
(Personnel and Readiness)
(Equal Opportunity)

copy for Stan
Message for Jeremy Ben-Ami
Office of Domestic Policy
The White House

Fax Number: (202) 456-7028

Voice: (202) 456-5584

From Judith C. Gilliom

Manager of the DoD Program for People with Disabilities
The Pentagon, Room 3A272
Washington, D.C. 20301-4000

Voice: (703) 697-8661

Fax: (703) 695-4619

Number of Pages: 4 + Header

Remarks:

Paper copy follows with the rest of the attachments.
Please call when you receive this fax.

FORCE
MANAGEMENTASSISTANT SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, DC 20301-4000

07 NOV 1994

MEMORANDUM FOR STAN HERR
JEREMY BEN-AMI
LISA FAIRHALL
RICHARD GREEN

SUBJECT: Initial Input for National Disability Policy Review

As requested in your memorandum of October 27, enclosed are materials for use in preparing the presentation of plans for the National Disability Policy Review to the Domestic Policy Council. A table of contents is attached.

The comments at Tab 1 are categorized in accordance with your memorandum of October 28 to Ms. Rasco and Ms. Rivlin. Also in the package are a collection of items prepared for other purposes that are relevant to the review.

As an employer, the Federal government can play a major role in the national effort to decrease dependency and empower people with disabilities to reach their full potential. The Department of Defense and the President's Committee on Employment of People with Disabilities are co-sponsoring a new initiative to improve Federal recruitment and employment of people with disabilities. Samples of correspondence are enclosed at Tab 2.

We believe there is a need for centrally funded resources to accommodate Federal employees with disabilities and disabled members of the public who are entitled to participate in Federal programs and activities. We offer our DoD Computer/Electronic Accommodations Program as a model of what can be done. An information packet is enclosed at Tab 3.

We also offer a proposal we prepared in 1991 to establish a program that would cover a more comprehensive range of unmet needs. This proposal (Tab 4) describes the high cost of current policies and some of the savings to be realized by changing them.

Organizational changes and the sunset of the *Federal Personnel Manual* have left gaps in the support structure for Federal employment of people with disabilities. We therefore propose a disability agenda for the Office of Personnel Management (Tab 5).

It is important that disability rights in the Federal sector be fully understood and that Federal agencies lead by example in making people with disabilities full participants in the mainstream of our endeavors. The Department of Defense is one of four Federal agencies that set standards under the Architectural Barriers Act. We are working with the



Architectural and Transportation Barriers Compliance Board to update standards for Federal facilities. This process should be coordinated and unified with enforcement of access requirements under Sections 501 and 504 of the Rehabilitation Act.

In addition, Section 504 deserves detailed attention as the Federal equivalent of the Americans with Disabilities Act of 1990. The rights and expectations of people with disabilities have increased since 1978 when Section 504 was amended to apply to programs and activities conducted by Federal agencies internally as well as externally. Compliance programs should be reexamined in light of new laws and strengthened public consensus.

In all aspects of the disability policy review, we should be careful to involve people with disabilities and their advocates. There is concern in some quarters that the review may realign priorities and change rights and benefits without consulting the people who are in the best position to know what is needed and what will be fair and effective.

I look forward to working with you in the months ahead. Any questions may be directed to me at (703) 697-2121 or to Ms. Judith C. Gilliom in the Office of the Deputy Assistant Secretary of Defense (Equal Opportunity) at (703) 697-8661.


Frederick F.Y. Pang

Enclosures: 1
As stated

**DEPARTMENT OF DEFENSE INPUT
NATIONAL DISABILITY POLICY REVIEW**

November 7, 1994

Contents

- Tab 1 Initial Comments from the Office of the Assistant Secretary of Defense (Force Management)
- Tab 2 Sample of July 15, 1994, Letter Co-signed by the Under Secretary of Defense (Personnel and Readiness) and Tony Coelho, Announcing a Joint Initiative by DoD and the President's Committee on Employment of People with Disabilities to Improve Federal Employment of People with Disabilities
- Tab 3 Information on the DoD Computer/Electronic Accommodations Program
- Tab 4 1991 Proposal to Improve Federal Employment of People with Disabilities
- Tab 5 Draft of Proposed Disability Agenda for the Office of Personnel Management

INITIAL COMMENTS ON NATIONAL DISABILITY POLICY REVIEW

November 7, 1994

*Headings correspond to those in the memorandum for Carol Rasco and Alice Rivlin from Jeremy Ben-Ami, Stan Herr, Lisa Fairhall, and Richard Green:
"Draft Proposal for National Disability Policy Review," September 30, 1994*

employment services

- The Federal government should *in fact* become a model employer.
 - The President should take action to address the gap between the 5.95% availability of people with severe disabilities who are able to work and the approximately 1.0% representation in the Federal work force.
 - The new Federal recruitment program we are sponsoring with the President's Committee on Employment of People with Disabilities should be institutionalized to create a genuine pipeline into the Federal work force by providing summer jobs for students with disabilities.
 - Adaptive technology and services should be easily available instead of negotiated if the employee is able.
 - The guidance lost when the Federal Personnel Manual (FPM) was abolished should be replaced.

civil rights enforcement

- Administrative and/or legislative steps should be taken to assure that disability rights in the Federal sector equal or exceed disability rights in the private sector. The hodgepodge of laws is creating unintended loopholes -- sometimes simply because guidance is so dispersed that no one knows what to do.
- The Federal government should issue unified understandable guidance. In particular, the Uniform Federal Accessibility Standards should be updated to reflect not only the requirements of the Architectural Barriers Act, but also the requirements of Sections 501 and 504 of the Rehabilitation Act.
- The Federal government should lead compliance initiatives by example. In particular, there should be better compliance with Section 504 of the Rehabilitation Act as it applies to Federally conducted programs (i.e., to Federal departments and agencies internally).

technology-related assistance

- The Federal government should establish a governmentwide resource similar to the DoD Computer/Electronic Accommodations Program (CAP) but broader in scope.

FAX TRANSMITTAL

of pages **6**

To	<i>LIZ Savage</i>	From	<i>Stan Herr</i>
Dept./Agency		Phone #	<i>456-5570</i>
Fax #	<i>514-0293</i>	Fax #	<i>456-7028</i>

NSN 7540-01-317-7368

5099-10

GENERAL SERVICES ADMINISTRATION

Call if you have a comment, on cover

draft

MEMORANDUM

TO: Federal Disability Accommodations Working Group Members

FROM: Stanley S. Herr, Chair

RE: Recommendations Packet

DATE: December 21, 1994

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The National Disability Policy Review was launched at the end of November and is co-chaired by Carol H. Rasco, who leads the Domestic Policy Council, and Alice Rivlin, who leads the Office of Management and Budget. I'm pleased to advise you that as one of the first activities of the Review the above named work group on accommodations was created with Assistant Attorney General Patrick as its convener. It is the expectation that the Federal Disabilities Accommodations Working Group will now be folded into this larger review so that your recommendations can be refined and taken the next steps to implementation. After the New Year, the new Accommodations Group will be convened by Deval and Liz.

On a personal note, I wish to thank all of you for your creative and energetic work. As my term as a Kennedy Public Policy Fellow with the DPC comes to close, I note how much I've enjoyed working and learning from each of you. My last day here will be on January 6th after which I can be reached at the following address where I resume teaching and clinical practice in disability law:

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1. As a result of pressures created by downsizing efforts and the scarcity of full-time equivalent (FTE) slots within Federal agencies, it is feared that managers and supervisors may be reluctant to offer employment opportunities to highly qualified individuals with significant disabilities. This will only add to the competitive environment individuals with disabilities face in the affirmative action efforts for all protected classes.

To respond to this disincentive, each Federal Department or agency shall establish an adequate, centralized pool of full-time equivalency (FTE) slots designated to cover the successful placement of qualified individuals with disabilities and/or interpreters, readers, personal assistants, and other positions providing reasonable accommodations.

In an attempt to address this issue, policy recommendations have been made that would exempt positions providing interpreter, reader, personal assistance, and other reasonable accommodations from the FTE ceilings of their respective Department or agency. The Sub-Group cautions that this policy direction may jeopardize the job security and benefits of individuals in these professional support positions, thus also placing at risk the ability to retain such individuals for extended periods of employment.

2. Each Federal Department or agency shall establish a centralized fund, line item, or other budgetary mechanism -- with adequate funding levels -- to be used solely for expenses related to reasonable accommodations, accessibility modifications, and assistive technologies for the needs of Federal employees and applicants with disabilities.

3. Uniform procedures and practices for requesting reasonable accommodations, which comply with the regulatory requirements and protections of Sections 501 and 504 of the Rehabilitation Act, shall be established for all Federal Departments and agencies.
4. The Federal government shall establish and carry out uniform, consistent and reasonable leave policies for all Federal employees which adequately and fairly address the needs of individuals with disabilities that require extended and episodic treatment and/or protocols.
5. As a part of standard management training and consistent with existing, related mandatory training in these areas, training shall be developed for managers and/or supervisors to insure knowledge of the basic laws and concepts regarding nondiscrimination protections for individuals with disabilities, including hidden disabilities such as long-term mental illness and HIV/AIDS.
6. Federal Departments and agencies shall establish uniform, appropriate and adequate expertise and technical assistance in reasonable accommodations, accessibility, and other statutory requirements regarding legislation providing civil rights protections for Federal employees on the basis of disability.

**FEDERAL DISABILITY ACCOMMODATIONS WORKING GROUP
DRAFT RECOMMENDATIONS
Information Technology Applications and Public Accommodation**

Today, uncoordinated information technology developments, both public and privately funded, frequently have the unintended net effect of diminishing rather than maintaining and advancing existing levels of usability by individuals with sensory limitations or individuals performing tasks in modality-limiting environments. The rights of people with disabilities to full participation in public facilities and continued employment opportunities may be abridged unless commitment to modality choice in the research, development, and deployment of information technology becomes a national priority (Attachment 1).

Modality choice, a core component of universal design, is defined here as the ability to interact with information services in a manner that enables full utilization by any one sensory mode (auditory, visual, tactile) or any combination of modes. Modality choice is responsive to people who can accommodate either visually presented information or auditorially presented information, but not both, due to hearing or vision limitation. Modality choice is also responsive to people who learn and process information best when it is presented both visually and auditorially. Modality choice in information technology embodies our society's adoption of the fundamental principles of inclusion and non-discrimination on the basis of disability.

The legislative foundation for this national initiative resides in the Rehabilitation Act and the landmark Americans with Disabilities Act. Current Administrative actions to advance this new national initiative are reflected in the National Performance Review (NPR) initiatives to make government more productive and more responsive to the needs of its citizens and the recent Information Infrastructure Task Force Report on *People with Disabilities and NII: Breaking Down Barriers, Building Choice* (Attachment 2).

RECOMMENDED NATIONAL GOAL #1

Information Technology development and procurement activities nationwide must be conducted in a manner that broadens distribution benefits to include people who require modality choice.

- o Administration clarification and guidance on modality choice as a critical element within the public service delivery and accommodation responsibilities of governments and businesses covered by the Americans with Disabilities Act.

- o Full-scale adoption of modality choice by Federal, state, and local government for all information infrastructure and interface development activities. The Domestic Policy Council should help establish performance agreements and reporting schedules among government bodies. Nationally recognized programs such as the Clearinghouse on Computer Accommodation should have an expanded charter in order to provide proactive leadership and technical guidance to officials responsible for the research, development, and purchasing programs of governments.

The following language from Senate Bill 4 of the 103rd Congress reflects this action:

Title VI, Sec. 601 (a)(4)

"The Federal government should ensure that the technology developed under research and development programs like the High-Performance Computing Program can be widely applied for the benefit of all Americans including Americans with Disabilities."

The recent report on *High Performance Computing and Communications: Toward a National Information Infrastructure* by the Office of Science and Technology Policy also acknowledges this opportunity. Addressing intelligent user interfaces, the report states, "A large collection of advanced human/machine interfaces must be developed in order to satisfy the vast range of preferences, abilities, and disabilities that affect how users interact with the NII."

- o All Federal IT procurements will address modality choice as mandated by Section 508 of the Rehabilitation Act (Pub. L. 102-569). Certification for modality choice will be incorporated into open systems certification conducted by NIST and independent testing laboratories. Offerors must obtain this certification as a prerequisite for proposal submission during agency acquisitions.
- o Modality choice will be a critical element in the Department of Labor's Occupational Safety and Health Administration draft ergonomics standard which is aimed at making the workplace safer. Providing workers with a choice of modality alternatives to a standard keyboard, including speech recognition, is rapidly becoming common practice in reducing repetitive strain injuries. (Attachment 3)

RECOMMENDED NATIONAL GOAL #2

New customer services made possible by information technology advances nationwide must be developed and conducted in a manner that broadens distribution benefits to include people who require modality choice.

- o The modality choice actions outlined in the Information Infrastructure Task Force Report on *People with Disabilities and NII: Breaking Barriers, Building Choice* should be recognized and adopted as strategic initiatives to the full implementation of the Americans with Disabilities Act and the Customer Service Standards of the National Performance Review.

RECOMMENDED ACTION BY THE DOMESTIC POLICY COUNCIL

The Domestic Policy Council, together with other components of the White House, should sponsor a series of senior level cross-departmental meetings to identify lead officials and establish agency performance agreements necessary to attain full implementation of modality choice as 1) a national priority in Federal R&D, 2) a mandatory benchmark in Federal purchasing and National Information Infrastructure initiatives, and 3) a critical performance element in the NPR Customer Service Standards for the Federal Government.

December 20, 1994

To:

Stan Herr
John Wodatch

White House
Justice

Fax 456-7028
Fax 307-1198

From: Larry Roffee, Access Board Fax 272-5447
Phone 272-5434, Ext. 14

Subject: Sub-group Recommendations for the Federal Disability Accommodations Working Group

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If there are problems with this language, please contact me.

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We urge the Access Board, the Department of Justice, and the four standard setting agencies under the Architectural Barriers Act (the General Services Administration, the Postal Service, Department of Defense, and Department of Housing and Urban Development) to as quickly as possible proceed with rulemaking to ensure Federal accessibility design standards that are state-of-the-art and hold federally funded entities to the same design standards as those required under the ADA.

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December 20, 1994

To:

Stan Herr
John Wodatch

White House
Justice

Fax 456-7028
Fax 307-1198

From: Larry Roffee, Access Board Fax 272-5447
Phone 272-5434, Ext. 14

Subject: Sub-group Recommendations for the Federal Disability Accommodations Working Group

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Accommodations Sub-Group**

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**FEDERAL DISABILITY ACCOMMODATIONS WORKING GROUP
DRAFT RECOMMENDATIONS
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"The Federal government should ensure that the technology developed under research and development programs like the High-Performance Computing Program can be widely applied for the benefit of all Americans including Americans with Disabilities."

The recent report on *High Performance Computing and Communications: Toward a National Information Infrastructure* by the Office of Science and Technology Policy also acknowledges this opportunity. Addressing intelligent user interfaces, the report states, "A large collection of advanced human/machine interfaces must be developed in order to satisfy the vast range of preferences, abilities, and disabilities that affect how users interact with the NII."

- o All Federal IT procurements will address modality choice as mandated by Section 508 of the Rehabilitation Act (Pub. L. 102-569). Certification for modality choice will be incorporated into open systems certification conducted by NIST and independent testing laboratories. Offerors must obtain this certification as a prerequisite for proposal submission during agency acquisitions.

- o Modality choice will be a critical element in the Department of Labor's Occupational Safety and Health Administration draft ergonomics standard which is aimed at making the workplace safer. Providing workers with a choice of modality alternatives to a standard keyboard, including speech recognition, is rapidly becoming common practice in reducing repetitive strain injuries. (Attachment 3)

RECOMMENDED NATIONAL GOAL #2

New customer services made possible by information technology advances nationwide must be developed and conducted in a manner that broadens distribution benefits to include people who require modality choice.

- o The modality choice actions outlined in the Information Infrastructure Task Force Report on *People with Disabilities and NII: Breaking Barriers, Building Choice* should be recognized and adopted as strategic initiatives to the full implementation of the Americans with Disabilities Act and the Customer Service Standards of the National Performance Review.

RECOMMENDED ACTION BY THE DOMESTIC POLICY COUNCIL

The Domestic Policy Council, together with other components of the White House, should sponsor a series of senior level cross-departmental meetings to identify lead officials and establish agency performance agreements necessary to attain full implementation of modality choice as 1) a national priority in Federal R&D, 2) a mandatory benchmark in Federal purchasing and National Information Infrastructure initiatives, and 3) a critical performance element in the NPR Customer Service Standards for the Federal Government.

December 20, 1994

To:

Stan Herr
John Wodatch

White House
Justice

Fax 456-7028
Fax 307-1198

From: Larry Roffee, Access Board Fax 272-5447
Phone 272-5434, Ext. 14

Subject: Sub-group Recommendations for the Federal Disability Accommodations Working Group

This is a revision of language I suggested on December 2, 1994. Stan Herr's comments have been incorporated.

If there are problems with this language, please contact me.

We believe the Federal government should hold itself to the same standard of accessibility as private entities, and State and local government entities in the design, construction, and alteration of buildings and facilities.

Places of public accommodation and commercial facilities owned, operated or leased by private entities are currently required to comply with the Americans with Disabilities Act Accessibility Guidelines (ADAAG). Those guidelines pertain to the design, construction and alteration of buildings and facilities under the Department of Justice regulations implementing title III of the Americans with Disabilities Act (ADA). The Department of Justice and the Access Board have issued notices of proposed rulemaking to revise ADAAG to include additional provisions for certain State and local government facilities.

We urge the Access Board, the Department of Justice, and the four standard setting agencies under the Architectural Barriers Act (the General Services Administration, the Postal Service, Department of Defense, and Department of Housing and Urban Development) to as quickly as possible proceed with rulemaking to ensure Federal accessibility design standards that are state-of-the-art and hold federally funded entities to the same design standards as those required under the ADA.



U.S. Department of Justice

Civil Rights Division

Public Access Section

P.O. Box 66738

Washington, D.C. 20035-6738

SEP 27 1994

Stanley S. Herr
The White House
Office of Domestic Policy
Room 224L
Washington, D.C. 20500

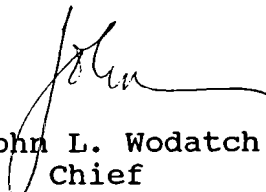
Dear Stan:

Attached you will find the briefing memorandum that you requested at the last meeting of the Federal Disability Accommodations Working Group. It is a brief synopsis of the obligations of Federal executive branch agencies under Federal disability rights laws. I hope that it will prove useful to the members of the Working Group. I have tried to avoid legalisms and make it complete, concrete, and relevant. I remain willing to assist the Working Group in any way that I can.

I have also included our most recent press release -- on the settlement of our case on discrimination on the basis of HIV status against the Castle Dental Center in Houston, Texas. The \$100,000 settlement, including \$80,000 in compensatory damages for an aggrieved individual and \$20,000 in civil penalties, is our largest settlement to date. This case is yet another strong signal that this Administration is fully committed to vigorous enforcement of the Americans with Disabilities Act.

I look forward to seeing you at the meeting on the 29th.

Sincerely,



John L. Wodatch
Chief

Public Access Section

Enclosure

cc: Deval L. Patrick



U.S. Department of Justice

Civil Rights Division

Washington, D.C. 20530

A PRIMER

Disability Laws that Apply to the Federal Executive Agencies

A. BUILDINGS

1. All buildings built by the Federal government or built on behalf of the Federal government since 1968 must be accessible. Architectural Barriers Act of 1968, as amended, 42 U.S.C. §§ 4151-57; section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794.

2. Any alteration to a Federal building, any alteration to a part of any Federal building, any alteration to any building housing a program of a Federal executive branch agency, or any alteration to space leased to a Federal agency must be done in an accessible manner. Id.

3. When a Federal agency leases space in buildings not owned by the Federal government, the agency shall lease space that is accessible. If accessible space is unavailable, the agency can only lease space that has or has been altered to have:

- *at least one accessible route to those areas in the building for which the space was leased;

- *if toilets are available, at least one accessible one for each sex on each floor having toilets;

- *if parking is available, the appropriate number of accessible parking spaces.

- *Exception: If no accessible space is available and the lease is necessary for officials servicing natural or human-made disasters on an emergency basis, or the space is used on an intermittent basis, or the occupancy is for no more than twelve months. 36 CFR Part 1190 (Minimum Guidelines and Requirements for Accessible Design of the Access Board), implemented as operating policy by the General Services Administration.

4. When leasing space for its programs, a Federal agency must ensure that, with the addition of the leased space, the Federal agency's program, when viewed in its entirety, is accessible to persons with disabilities. Section 504 of the Rehabilitation Act.

5. A building or alteration is accessible if it conforms to the Uniform Federal Accessibility Standards (UFAS). Most Federal buildings must conform to the standard of the General Services Administration (41 CFR 101-19.6). Residential buildings must conform to the standard of the Department of Housing and Urban Development (24 CFR Part 40). Post offices must conform to the standard of the United States Postal Service (Handbook RE-4). Military bases and buildings must conform to the standard of the Department of Defense (Chapter 18 of DoD 4270.1-M).

6. The Architectural and Transportation Barriers Compliance Board or Access Board is responsible for receiving and resolving complaints under the Architectural Barriers Act. All Federal executive agencies (and there are over 100 of them) are responsible for receiving, investigating, and resolving complaints of discrimination under section 504. Section 504 of the Rehabilitation Act; see, e.g., 28 CFR §39.170 (regulation of the Department of Justice)

B. EMPLOYMENT

1. All Federal executive branch agencies are prohibited from discriminating on the basis of disability against qualified persons with disabilities and must take affirmative action to hire, place, and advance persons with disabilities. Sections 501 and 504 of the Rehabilitation Act of 1973.

2. The Federal executive branch shall be a model employer. 29 CFR §1614.203(b) (regulation of the Equal Employment Opportunities Commission)

3. The standards for what constitutes discrimination on the basis of disability shall be the standards applied under title I of the Americans with Disabilities Act. Sections 501 and 504 of the Rehabilitation Act, as amended, 29 U.S.C. §§ 791(g), 794(d).

4. A Federal executive agency must make reasonable accommodation to the known physical or mental limitations of otherwise qualified individuals with disabilities who are applicants for employment or employees, unless the agency can demonstrate that the accommodation would impose an undue hardship on the operation of the agency. Sections 501 and 504 of the Rehabilitation Act.

*Reasonable accommodations include altering work sites or other facilities used by employees to make them accessible, acquiring or modifying equipment or devices (including the provision of computers), job restructuring, modifying work schedules, providing qualified readers or interpreters, adjusting or modifying examinations, training materials, or policies, or reassigning workers to vacant positions.

*An undue hardship is an action that is excessively costly, extensive, substantial, or disruptive, or that would fundamentally alter the nature or operation of the agency. Because of the resources and scope of Federal agencies, reasonable accommodations in Federal agencies rarely rise to the level of an undue hardship.

5. A Federal executive agency may not ask a job applicant about the existence, nature, or severity of a disability, but may ask about an individual's ability to perform specific job functions. Sections 501 and 504 of the Rehabilitation Act.

*Nor may a Federal executive agency make medical inquiries or conduct a medical examination until after a job offer has been made.

*A job offer may be conditioned on the results of a medical examination, but only if this examination is required for all entering employees in similar jobs.

*A Federal agency may only require a medical examination of an employee or may only make inquiries as to the nature or severity of a disability in limited situations, when the examination or inquiry can be shown to be job-related and consistent with business necessity.

6. The Equal Employment Opportunity Commission is chiefly responsible for enforcing the Federal government's employment nondiscrimination provisions. 29 CFR Part 1614 (regulation on Federal Sector Equal Employment Opportunity of the EEOC).

C. FEDERAL PROGRAMS, SERVICES, AND ACTIVITIES

1. A Federal executive branch agency must not discriminate in carrying out its programs, services, and activities. In simple terms, the nondiscrimination mandate extends to everything that a Federal agency does. Section 504 of the Rehabilitation Act.

2. Each Federal agency has a regulation implementing its nondiscrimination obligations and these regulations establish the specific nature of each agency's nondiscrimination obligations. See, e.g., 1 CFR Part 326 (regulation of the Administrative Conference of the United States); 22 CFR Part 144 (regulation of the Department of State); 29 CFR Part 33 (regulation of the Department of Labor).

3. Examples of programs operated by the Federal executive branch include the Social Security program, the FBI tour, the Internal Revenue Service, the White House tour, the National Parks system, the Federal prison system, the emergency management services programs of FEMA and SBA, and the schools operated by the Department of Defense.

4. Section 504's requirement not to discriminate extends to a wide range of the daily activities of each agency; examples include the obligation to:

- *Provide qualified sign language interpreters or other appropriate auxiliary aids at meetings or hearings held by the agency or at conferences or other events sponsored by the agency.

- *Provide materials in alternate accessible formats (large print, Brailled materials, audio recordings, computer disks) when materials are made available to the public in printed form.

- *Provide captions on all videotapes developed by or on behalf of the agency.

- *Provide a sufficient number of TDD's (telecommunication devices for the deaf or text telephones) for agency use, giving particular emphasis to frequently used agency telephone numbers and 800 numbers; Federal agencies should not just rely upon the telecommunications relay for telephone calls from people who are deaf.

- *Provide extra assistance or modifications in agency forms to assist persons with mental retardation or other mental disabilities.

- *Ensure that, when Federal agencies hold agency-sponsored meetings, conferences, hearings, or other events outside the Federal work place, they only locate these events at accessible sites.

- *Provide accessible services at agency facilities when open to the public, for example, the agency library or cafeteria.

- *Ensure that, in administering a Federal grant program, the agency neither discriminates on the basis of disability in making grant decisions nor provides funding to entities that themselves discriminate on the basis of disability.

- *Obtain written assurances that the grant applicant is not discriminating on the basis of disability.

*Require the submission of addition, targeted, specific information to establish compliance, including budgetary information.

5. Federal agencies shall ensure that individuals with disabilities can produce and have access to information and data regardless of the type of medium, including all electronic and information technologies, that is comparable to the opportunities of individuals who do not have disabilities. Section 508 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794d.

6. Each Federal executive branch agency is responsible for designating an official to coordinate implementation of section 504 for federally conducted programs. Each Federal agency shall receive and resolve complaints of discrimination. Section 504 of the Rehabilitation Act.

D. THE AMERICANS WITH DISABILITIES ACT

*Remember that the Americans with Disabilities Act does not apply to the Federal executive branch. When the ADA was enacted in 1990, a full and rich set of Federal civil rights laws already covered the Federal executive branch. The ADA does apply to all employers with 15 or more employees (other than the Federal government), all units of State and local government, public accommodations, commercial facilities, carriers engaged in telecommunications, the U.S. Senate, the U.S. House of Representatives, and instrumentalities of the U.S. Congress.

THE WHITE HOUSE
WASHINGTON

Meeting of Federal Disability Accommodations Working Group

September 29, 1994, 2:00 to 3:30, 472 OE0B

2:15 Welcome and Reintroductions

Stanley S. Herr
The White House

Primer on Disability Laws that
Apply to the Federal Executive Agencies

John L. Wodatch
Department of Justice

2:30 - 3:10
Accessibility Data Management Systems

Karen E. Megorden
and Curtis C. Kron
Department of Interior
Bureau of Reclamation

3:10
Agency Reports

Howard Moses
Department of Education
and Full Group

Open Forum

Full Group

Next Steps and Closing

Stanley S. Herr



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

THE ASSISTANT SECRETARY

TO : Stanley S. Hear
FROM : Howard Moses, Deputy Assistant Secretary
SUBJECT : Report to Federal Disability Accommodations
Working Group
DATE : September 27, 1994

1. Specific accommodations issues that the Department of Education is addressing.

- o The Department has concluded a review of the legal sufficiency of a proposed statement of work for emergency/back-up reader and interpreter services for ED employees. Presently, no adequate system exists for covering illness, vacations or other absences by staff readers and interpreters. The proposed contractual services offers the first such system of emergency and back-up services for the Department. Legal sufficiency was required to reconcile conflicts between procurement regulations and statutory requirements for reasonable accommodations.
- o The Office of Special Education and Rehabilitative Services/ED completed the establishment of a task order contract for braille services for departmental publications and documents through FY 1995.
- o The FY 1995 ED budget, submitted to OMB, requested the exclusion of Schedule A readers, interpreters and assistants from the FTE ceiling for the Department. Upon denial of this request by OMB, a Departmental pool of FTEs for readers, interpreters, and personal assistants was formulated within the current and projected FY 1995 ceilings. The pool is being managed by OSERS, and includes two FTE slots allocated for such reasonable accommodations.

The Secretary's Disability Work Group identified the creation of the pool as vital in addressing the issue of adequately providing reasonable accommodations. However, assigning only two slots to the pool for the entire Department limited its effect. In response, a policy proposal is currently under review for making the authority used in creating the pool of readers, interpreters, and personal assistants a flexible authority, thus allowing adequately coverage of all appropriate requests for reasonable accommodations. (See attached policy draft.)

Further, the Department's FY 1996 budget request, once again, includes the proposed exemption of Schedule A-related positions from the FTE ceiling.

- o The Department's fire safety evacuation plan and procedures are currently being revised, focusing on: 1) adequate audio and visual warning systems; 2) frontline and back-up buddy system; 3) evacuation training and coordination with local fire officials for individuals with disabilities; and 4) warning systems for building guests.
- o ED is currently developing a vigorous, nationwide network among disability rights organizations, centers for independent living, traditional civil rights organizations, vocational rehabilitation programs, and community based organizations for the recruitment of highly qualified individuals with disabilities and disabled individuals of color for departmental positions. Training for supervisors and staff with hiring authority on issues surrounding the hiring of qualified individuals with disabilities is currently being planned to supplement the recruitment initiative.
- o ED's Office of the General Counsel is leading the development of a Department policy for responding to requests for, and making ED documents and audio-visual materials available in braille, audiotape, e-text, open captioned and other alternative formats.
- o Accessibility standards and accommodations for employees with visual disabilities are being reviewed in the Department's move to a Windows-based LAN and electronic-mail system.
- o Improvements in the Department's voice-mail system includes: 1) the awarding of a contract for a system that accommodates the use of TDD equipment; and 2) the installation of equipment on all main office telephones that allow the detection of TDD calls for appropriate routing.

2. Reports developed or proposed by the Department of Education regarding the topics covered by the Working Group.

See attached.

PURPOSE: ACTION

DATE:

TO: The Executive Management Council
Through: ES _____

FROM: Judith E. Heumann, Assistant Secretary, USERS
Rod McCowan, Assistant Secretary, OHRA

SUBJECT: Proposed Policy to expand Departmental pool of Schedule A Reasonable Accommodations (including Interpreters, Readers, and Personal Assistants)

As co-chairs of the Secretary's Work Group on the Recruitment, Advancement, and Access for People with Disabilities, we are recommending a policy proposal to address a long-standing problem related to the hiring and retention of qualified employees with disabilities. The problem is the inability to provide needed reasonable accommodations because of perceived administrative and budgetary constraints.

By law, we must provide reasonable accommodations for qualified employees with disabilities in those situations that such accommodations are essential to the performance of the primary functions of their jobs. Accommodations may include such services as readers for employees who are blind or visually impaired, sign language interpreters for employees who are deaf or hard of hearing, or notetakers and assistants for an employee with a manual or mobility disability. Accommodations might also include assistants or appropriately trained supervisors for developmentally disabled employees. Determining an appropriate accommodation must be considered based on the known disability and on a case-by-case basis. The costs of providing accommodations vary and are dependent upon the skill level and specific job duties of the individual employee, as well as the grade or pay level of the employee who needs the accommodation.

In cases where a full-time interpreter, reader, or personal assistant is required for high-level or professional employees, we and other agencies are usually able to provide these accommodations within our FTE ceiling and S&E budget, although some smaller agencies such as the Access Board sought and were given relief on their FTE ceiling levels to allow them to hire a reader/interpreter to accommodate the needs of several staff members. In the future, however, reduced staffing and S&E funding levels will make it more difficult to hire qualified people with disabilities who may require service-based accommodations. In such an environment, we envision substantially fewer employees with disabilities in the

Federal work force simply because we cannot provide reasonable accommodations within the constraints of FTE or budgetary restrictions. Managers could also be placed in the position of discriminating against qualified applicants with disabilities either by not offering them employment or by not providing accommodations required to enable such persons to perform effectively following employment. This is certainly counter to the intent the Secretary expressed in his memorandum of October 25, 1993 (attached).

LEGAL REQUIREMENTS

The Rehabilitation Act of 1973, as amended, (which applies to the Federal Government and federally funded programs and activities) and the Americans with Disabilities Act (ADA) of 1990 (which applies to the private sector and State and local government entities) require that we may not "...deny employment opportunities to an otherwise qualified job applicant or employee with a disability based on the need ... to make reasonable accommodation to such individual's physical or mental impairment." Accordingly, we have an obligation to provide reasonable accommodations within an atmosphere that is as restriction free as possible. Currently, the Schedule A appointing authority [Section 213.3102(11)] authorizes the provision of accommodations for employees who have disabilities. Moreover, these employees are legally entitled to those accommodations needed to perform their assigned job functions. Failure to provide accommodations may well result in discrimination against individuals with disabilities.

ISSUE

Recognizing that some applicants and employees with disabilities may require service based accommodations, the dilemma becomes one of providing these mandated accommodations in the most efficient and cost effective manner. The harsh reality is that under current policy, POCs must count assistants against their FTE ceiling. If POC's have reached their FTE ceiling, managers have and will make one of two inadequate choices: (1) not hiring persons with disabilities who need service-based accommodations or (2) reducing scarce program resources by utilizing diminishing FTEs for non-programmatic functions.

Currently, when there is one vacancy to fill, we may be forced to take an additional FTE allocated for another position which happens to be vacant in order to meet the accommodation needs of the employee with a disability. Alternately, if a second position is not vacant and no FTE is available, managers may well be forced to discriminate either by not hiring or by failing to meet the reasonable accommodation needs of that applicant subsequent to employment. If the choice is made to utilize two FTEs to hire the employee and to provide the accommodation, thus complying with the law, managers are then faced with a compromised ability to carry out it's offices functions and operations.

In past years, we and others have been able to make accommodations within our FTE ceilings or have been given permission to exceed those ceilings when needed to provide required accommodations. However, because of recent changes, Departments now may not exceed current FTE ceilings for any type of employee and must instead utilize another, existing FTE to hire an interpreter, reader, or assistant. If this is the only way to provide an accommodation, the result clearly will be a reduction in the number of staff positions available to carry out the work of the agency. This will also put supervisors and managers in the untenable position of having to choose between (1) not hiring (or retaining) a qualified employee with a disability who requires a service-based accommodation or (2) not providing that accommodation, either because an FTE is not available or for fear of not being able to carry out program functions with fewer staff. Selection of the second option may put the agency in jeopardy of violating anti-discrimination laws.

This issue has been addressed recently by the formation of a Departmental pool of FTEs for readers, interpreters, and personal assistants. The pool is being managed by OSERS. As of now, there have been two FTE slots allocated for this reasonable accommodation pool.

The Secretary's Disability Work Group feels that the creation of the pool was vital in addressing the issue of adequately providing reasonable accommodations. However, assigning only two slots to the pool for the entire Department doesn't seem adequate. The Secretary has been very clear about supporting efforts to diversify the Department's workforce. If we are to include qualified individuals with disabilities in our diversity efforts, including hiring, retaining and promoting those individuals, we must be prepared to adequately provide all reasonable and necessary accommodations.

Currently the Department employs 84 individuals with targeted disabilities. Of those 84 individuals, 15 are provided a reader, interpreter or personal assistant (17 percent) as reasonable accommodation. If the Department is successful in meeting the planned EEO goals for fiscal year 1994, which projects an increase of thirty-five percent (35%) of the number of employees with targeted disabilities, the number of FTE slots needed to provide accommodations would increase by six. This is assuming that the prevailing pattern remains consistent.

PROPOSED POLICY ACTION

The Disability Work Group proposes that the Department of Education establish a policy that addresses adequately providing reasonable accommodations to individuals with disabilities that is consistent with all applicable Federal laws. We recommend that the Department make the authority used in creating the pool of readers, interpreters, and personal assistants a flexible authority, thus allowing full coverage of all appropriate requests for reasonable

accommodations. The work group also recommends that the management of the reasonable accommodation pool be transferred from OSERS to the Office of Management.

DECISION

Approve _____ Signature _____ Date _____

Disapprove _____ Signature _____ Date _____

Other/Comments:

CONTACT: Howard Moses, OSERS, MES Bldg., Room 3006, 205-5465



General Services Administration
Public Buildings Service
Washington, DC 20405

SEP 22 1994

Mr. Stanley S. Herr
Office of Domestic Policy
The White House
Washington, DC 20500

Dear Mr. Herr:

This is in response to your memorandum of September 12, 1994, regarding the August 18 meeting of the Domestic Policy Council's Federal Disability Accommodations Working Group and your request at the meeting for the following information:

Responsibility for the implementation of the Architectural Barriers Act (ABA) of 1968, and the resulting standards, the Uniform Federal Accessibility Standards (UFAS), falls under the General Services Administration's (GSA's) Public Buildings Service, Office of Design and Construction. Mr. Steve McCormick, our Accessibility Program Manager, will attend your September 29, 1994, meeting and present a brief overview of our activities.

Listed below are the Public Buildings Service's responses to the four-part assignment given at the August 18 meeting. Our colleagues will be sending their submissions under separate cover.

1. Identify some of the specific accommodations issues that your department or agency are now addressing.

GSA, as one of the four standard-setting agencies identified in the ABA, has taken an aggressive approach to providing accessibility in buildings designed, constructed, renovated, and leased by this agency.

Ms. Julia M. Stasch, Deputy Administrator of GSA, is a member of the Architectural and Transportation Barriers Compliance Board, and is the appointed Chair of the Federal Facilities Work Group. This group is charged with updating the UFAS to be consistent with the Americans with Disabilities Act (ADA) standards. We expect the UFAS update process to take several months.

Following a comparison of the two standards, it became apparent that, in some areas, a dichotomy existed between UFAS and ADA. To establish the Federal Government in a leadership position of providing the highest level of accessibility in design and



-2-

construction until this update is accomplished, GSA has adopted a policy of using the more stringent standard, whether it be UFAS, the ADA Title II Interim Final Guidelines, or Title III ADA Standards.

2. Produce or identify any reports that your agency has written or proposed on the topics covered by this Working Group.

Each year, GSA submits an annual report to Congress outlining any waivers or modifications to the UFAS which we have granted. As a general policy, we encourage every effort be made to make Federal facilities accessible. Only in rare cases when accessibility cannot be provided, do we grant a waiver or modification of Federal accessibility standards. Enclosed is a copy of GSA's portion of the fiscal year 1993 annual report to Congress.

3. Produce or identify any publications or brochures that you have written on those topics.

N/A

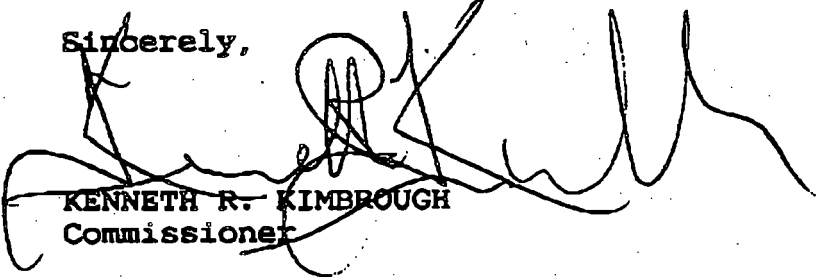
4. Describe briefly any other issues, accomplishments, and problems that your agency has noted that bear on the charge to this Working Group.

Beginning in late 1990, GSA embarked on an intensive accessibility training program for our Central Office and regional office personnel. Although originally scheduled to be a 1-year effort, our training is ongoing to date. In addition to training over 1,200 GSA employees, training has been given to several Federal agencies, including the Departments of Agriculture, Housing and Urban Development, Veterans Affairs, Education, and Transportation.

Since the accessibility program is a dynamic effort in applying developing technology, we expect our training effort to continue into the foreseeable future.

We appreciate the opportunity to participate in the Federal Disability Accommodations Working Group. If you require additional information, please contact Mr. Steve McCormick on 501-0989.

Sincerely,



KENNETH R. KIMBROUGH
Commissioner

Enclosure



General Services Administration
Annual Report of Activities Under the Requirements of
The Architectural Barriers Act, as Amended

**General Services Administration
Annual Report of Activities Under the Requirements of
the Architectural Barriers Act, as Amended**

Introduction:

The General Services Administration (GSA) is continually increasing the accessibility of buildings and facilities in our inventory. New buildings are being built, older buildings are being renovated, and leased facilities are the most accessible offered by the private sector.

The Deputy Administrator of GSA is a member of the Architectural and Transportation Barriers Compliance Board (ATBCB) and was actively involved in "rulemaking" and other activities associated with the implementation of the Americans with Disabilities Act (ADA) of 1990. The GSA Public Buildings Service (PBS) Accessibility Program Manager attended scheduled Board and Committee meetings of the ATBCB, as well as most of the special meetings called to develop rulemaking for the ADA.

Training Program:

In fiscal year 1993, GSA continued hands-on training of the Uniform Federal Accessibility Standards (UFAS) and additional training on the comparisons of UFAS and ADA. Over the past few years, GSA has trained over 1,200 of its PBS employees nationwide. Accessibility trainees included building managers, building designers, leasing specialists, interior designers, repair and alteration specialists, child care specialists, and fire protection engineers.

GSA has also provided accessibility training to other Federal agencies, such as the Department of Housing and Urban Development, the Federal Aviation Administration, the Department of Education, the Department of Veterans Affairs, and the Administrative Office of the United States Courts.

New Accessibility Policy

GSA has not issued, revised, or repealed any accessibility standards during fiscal year 1993. However, a new policy has been established within GSA, effective July 8, 1992, that all new GSA design and construction projects will comply with the more stringent standard, whether it be UFAS or Title III of the ADA standard. Our goal is to follow the highest standard and provide maximum accessibility.

Updating of the Existing Standard

We have started the process to update the UFAS standard to be consistent with the new ADA standards. GSA submitted comments on the ADA Title II standards which cover State and local government facilities, scheduled to be published in 1994.

Meetings have been held between the four standard-setting agencies of the Federal Government and the ATBCB to begin the updating process. Until the UFAS is updated, GSA's policy of following the highest standard will ensure that our buildings provide the highest level of accessibility during the update process.

Accessibility Complaints Opened and Closed During Fiscal Year 1993

Each year, the number of accessibility complaints made against GSA-controlled buildings has decreased. In addition, we have been able to close complaints in less time, thereby reducing our backlog.

Thirteen new accessibility complaints were opened in fiscal year 1993. During this same period of time, we closed seventeen complaints. The total number of open complaints at this time is eleven.

Waivers and Modifications of UFAS Granted by GSA During Fiscal Year 1993:

Each request for a waiver or modification of UFAS is carefully considered to ensure that every reasonable effort has been made to make the subject facility accessible before a waiver or modification is granted. In addition, we coordinate our actions with the ATBCB to confirm whether a complaint has been filed, how the subject entity responded to that complaint, and what actions were taken to make their facilities accessible. Only when we are assured that every effort has been taken to make the facility accessible do we recommend that a waiver of modification be granted.

During fiscal year 1993, GSA granted five modifications and three² waivers of the UFAS.



United States Architectural and Transportation Barriers Compliance Board

1331 F Street, NW • Washington, DC 20004-1111 • 202-272-5434 (Voice) • 202-272-5449 (TDD) • 202-272-5447 (FAX)

MEMORANDUM

TO: Stan Herr
White House, Office of Domestic Policy

FROM: Lawrence W. Roffee *LWR*
Executive Director

DATE: September 22, 1994

SUBJECT: Disability Accommodations Report

This memorandum is the report that was requested at the August 18, 1994 meeting of the new Federal Disability Accommodations Working Group.

1. Identify some of the specific accommodations issues that your department or agency are now addressing.

The Access Board leads all Federal agencies in the percentage (39%) of people with disabilities employed in our workforce. We have worked with each employee to make job accommodations and have not found them to be costly or difficult to make. The most common accommodation is simply flexible working hours. We are most proud of the accommodations we have made so that one of our Accessibility Specialists who is deaf, can easily perform her shift on our Technical Assistance telephone lines. A contractor, with materials purchased at a hardware store made a wire splinter so an interpreter can listen to the call using a head set. The interpreter is easily able to interpret the callers voice.

2. and 3. Produce or identify any reports, publications, or brochures that your agency has written or proposed on the topics covered by this working group.

The Access Board has produced over 20 publications on various aspects of accessible design. Our publications list is attached. The publications are available free of charge and most are available in large type, cassette tape, computer disk, and braille.

4. Describe briefly any other issues, accomplishments, and problems that your agency has noted that bear on the charge to this Working Group.

a. The Board has passed a resolution urging all Federal agencies to adopt the ADA Accessibility Guidelines (ADAAG) as the accessible design standards to use in the construction, leasing, or alteration of Federal buildings and facilities. We believe the ADAAG is a much more state-of-the-art set of guidelines than are the Uniform Federal Accessibility Standards (UFAS) which were developed in 1984. The General Services Administration, the Department of Interior, and the Department of Defense have announced they will use ADAAG. The Department of Justice has urged all Federal agencies to use ADAAG in their Section 504 regulations. This Work Group could continue to urge the use of ADAAG for Federal buildings and facilities.

b. The Board has a strict policy about having documents which are for public distribution available in alternate media which includes large type, cassette tape, computer disk, and braille. We have found that many Federal agencies do not make their documents available in these formats. The Government Printing Office will not make documents it sells or distributes available in any alternate format. The Working Group could press Federal agencies and the Government Printing Office to comply with the law and produce their materials in alternate formats.

Attachment

Publications Checklist

ACCESS BOARD (U.S. Architectural and Transportation Barriers Compliance Board)

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GENERAL PUBLICATIONS

Pub.

No. Format

- M41** B C D LT **Access America:** A newsletter about the Access Board and its activities. To be added to the newsletter mailing list, check here []
- G08** B C D LT **Publications Checklist:** Additional copies of this order form can be obtained from the Access Board.
- G14** B C D LT **Americans with Disabilities Act Accessibility Requirements:** An overview in tabular form of accessibility requirements, effective dates, regulations, and enforcement of Titles I-IV of the Americans with Disabilities Act (12/91)
- P93** B C D LT **Annual Report to the President and Congress:** Report on Access Board activities for the previous fiscal year
- G15** B C D LT **Filing a Complaint ... It's Your Right:** Explains how to file an Architectural Barriers Act complaint with the Access Board about inaccessibility involving buildings designed, built, or altered with certain Federal funds or leased for occupancy by Federal agencies. Includes complaint form. Also provides a brief overview of other Federal accessibility laws (3/93)

ACCESSIBILITY GUIDELINES AND STANDARDS

- S14** B C D LT **Americans with Disabilities Act Accessibility Guidelines (ADAAG):** Accessibility requirements for new construction and alteration of buildings and facilities covered by the ADA. Also includes Department of Justice regulations for public accommodations and commercial facilities (7/91)
- S04** C **Uniform Federal Accessibility Standards (UFAS):** Design, construction and alteration standards for access to federally funded facilities (4/88)

ARCHITECTURAL ACCESS

- S09** D **Americans with Disabilities Act Accessibility Guidelines (ADAAG) Checklist:** A checklist for applying ADAAG in the design, construction, and alteration of buildings and facilities, including transit facilities (2/93)
- A26** C D **Hands-on Architecture:** Contains pertinent information from a Board-sponsored research project with suggested standards for specifying controls and operating mechanisms (12/86)
- S06** D LT **Technical Paper on Accessibility Codes and Standards:** Compares the *Minimum Guidelines and Requirements for Accessible Design* and the *Uniform Federal Accessibility Standards* with local, state, and foreign access codes and standards (7/89)
- S05** D **Uniform Federal Accessibility Standards (UFAS) Accessibility Checklist:** A checklist for applying UFAS in the design, construction, and alteration of buildings and facilities (6/90)
- S07** D **UFAS Retrofit Manual:** This 300-page document, based on UFAS, contains easy-to-understand, practical solutions to often-encountered alteration situations (4/91)

*If you represent a library or other organization needing more than one alternate format, call the Access Board.

- S10 D **Recommendations for Accessibility Standards for Children's Environments:** A technical report presenting draft standards for facilities that serve pre-kindergarten through elementary-aged children. Includes post-occupancy evaluations (1/92)

COMMUNICATION ACCESS

- C01 B C D LT **Assistive Listening Systems:** Describes commercially available devices and systems for making public address and other types of communication systems more accessible to persons with hearing impairments (10/91)
- C07 B C D LT **Using a TTY:** Describes how to make and receive TTY (also known as text telephone or TDD) calls, how to use a TTY machine, and how to recognize and answer TTY calls received on phones used for voice calls (7/92)

TRANSPORTATION ACCESS

- T19 B C D LT **Aircraft Stowage Procedures for Battery-Powered Wheelchairs:** Describes a procedure for safely stowing battery-powered wheelchairs on aircraft to conform with regulations governing hazardous materials, based on practices of several domestic and foreign air carriers (9/88)
- T10 B C D LT **Guidelines for Aircraft Boarding Chairs:** Guides purchasers, designers, and manufacturers of boarding chairs in the design and purchase of safer and more effective devices; also identifies elements of a proper training program (10/91)
- T27 B C D LT **Securement of Wheelchairs and Other Mobility Aids:** Provides technical assistance to transit operators and people with disabilities on how to secure most common manual and power wheelchairs, including three-wheel scooters. Discusses training and policy issues and lists transit agencies that have developed effective securement systems for dealing with these devices (9/90)

TECHNICAL ASSISTANCE BULLETINS

An ongoing series of technical assistance bulletins for design professionals developed from frequently asked questions about specific ADAAG provisions. Current bulletins include:

- A29 B C D LT **Bulletin #1: Detectable Warnings** (lists manufacturers)
- A31 B C D LT **Bulletin #2: Visual Alarms**
- A32 B C D LT **Bulletin #3: Text Telephones**
- A33 B C D LT **Bulletin #4: Surfaces (Slip-Resistant)**
- A34 B C D LT **Bulletin #5: Using ADAAG**
- A35 B C D LT **Bulletin #6: Parking**

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August 1994

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August 1994

September 23, 1994

Memorandum For Stanley S. Herr

Thru: Larry Parks

From: Carolyn Gunney

Subject: Commerce Activities in Support of Federal
Disabilities Accommodations

The Department of Commerce is fully committed to providing reasonable accommodations for people with disabilities. As part of that commitment, operating units implemented many mechanisms which allowed Commerce to be responsive to the needs of employees and visitors that are disabled.

I. A listing of specific accomplishments, by operating units, follow.

Office of the Secretary

- Three sets of brass rails were installed at entrance steps of the main building.
- The braille elevator emergency procedures signage has been completed in all elevators.
- A survey was completed at the main building to determine the number of rest rooms needing modification to accommodate people with disabilities.

Bureau of Economic Analysis

- The Bureau of Economic Analysis (BEA) relocated to a new facility. The building is fully accessible to people with disabilities.
- For individuals with a hearing impairment, TDD systems are provided in the Public Information Office and at individual work stations.
- For individuals with a sight impairment, public access, information, and emergency signs have the information in braille. Recently released data from BEA is available in voice recorded messages for sight impaired clients and the general public.

Census Bureau

- All employees who have a hearing disability were provided with an opportunity to obtain an automated vibrating system that alerts them to situations requiring immediate evacuation.
- Permanent accessible parking spaces was established for visitors with disabilities.
- A directional sign was posted at the main entrance in Suitland, Maryland to notify people with physical disabilities that assistance is provided upon request.
- A TTY was installed in the Public Information Office to enable people with hearing disabilities to request products and information.
- The Equal Employment Opportunity Office and the Public Information Office purchased decoders to provide close captioned videos for persons who have hearing disabilities.
- Accessible restrooms, including showers, were installed in the exercise facility in Jeffersonville.
- Dual access door operators were installed at seven locations in Jeffersonville.
- TTYs and directional signs were installed in all regional offices and telephone centers.

National Institute of Standards and Technology

- Restrooms were modified throughout the site to accommodate people with disabilities.
- Accessible ramps, handicapped parking areas, and drinking fountains were installed throughout the facility to accommodate people with disabilities.
- A sound amplification system was installed in the auditoriums.
- A TDD phone mail system was installed in the office of Civil Rights. A pay TDD was installed near the auditoriums for visitors.
- Elevators were modified by adding auditory and braille features.

National Oceanic and Atmospheric Administration

- NOAA relocated to four newly constructed buildings in Maryland that are all fully accessible to people with disabilities.
- Regional offices and laboratories renovated bathrooms, provided parking services, built ramps, and installed electric doors to accommodate people with disabilities.

Patent and Trademark

- Parking spaces for the handicapped were installed.
- Restrooms were updated to accommodate people with disabilities.
- Stairwells in Crystal Plaza 3 and 4 were updated.

II. Commerce has written several reports addressing Federal Accommodations for the Disabled. Titles of some of the more recent reports are listed below.

- The Bureau of the Census recently completed a report entitled "Americans with Disabilities: 1991-92" -- the first comprehensive disability survey ever undertaken by the Bureau. This report will be useful in establishing baseline numbers as the Nation works to reduce barriers faced by persons with disabilities.
- The Bureau of the Census prepared a statistical brief entitled "Americans with Disabilities". The brief addressed, in part, the impact of having a disability on employment status.
- The National Institute of Standards and Technology released a report, for public comment, entitled "The Information Infrastructure: Reaching Society's Goals." The first chapter addresses meeting the needs of people with disabilities in developing the National Information Infrastructure. The report was prepared by the Committee on Applications and Technology of the Information Infrastructure Task Force.
- Commerce's Affirmative Action Program Report for People with Disabilities was prepared, and submitted to the Equal Employment Opportunity Commission, in accordance with the Rehabilitation Act of 1973, as amended, 29 U.S.C. Section 791 ET SEQ.

III. Commerce encourages new and innovative ideas on how to continue meeting the needs of people with disabilities. Listed below are a few notable accomplishments that might bear on the charge of the working group.

- In honor of the Federal Disability Awareness Month, the Department of Commerce is hosting the sixth annual interagency Accessible Computer Technology (ACT) exhibit. Ronald H. Brown, the Secretary of Commerce, will be the keynote speaker at the opening ceremony on October 5, 1994, at 9:30 A.M. in the Main Commerce Auditorium on the first floor, 14th Street and Constitution Avenue, N.W. Awards will be presented for outstanding performances by Federal workers, managers and vendor.

Exhibitors are invited to stage their technology in the lobby and demonstrate its application. The ACT, held this year October 5 & 6, 1994, is a collaborative effort of fourteen government agencies which contribute toward employing those with disabilities. This year private sector associations are being invited to join in the ACT. Commerce is very proud of this tradition and the good works that have come from it. As a result of the past ACTs, a wave of new accessible technology has been made available.

The General Services Administration's (GSA) Clearinghouse on Computer Accommodation (COCA) and Council on Accessible Technology (COAT) has coordinated and will present a free seminar on October 5 at 1:00 P.M. - 3:00 P.M. in the Main Auditorium. The seminar entitled "National Information Infrastructure: Electronic Access for All" will focus on Advancing Modality Choice Through Captioning. A panel of consumers with disabilities, researchers and commercial developers will exchange views and demonstrate progress with applications that support user choice of information media.

In keeping with the goals of the National Performance Review (NPR), this initiative promotes getting the information to the entire American community by the most efficient and effective means possible.

The exhibits are open in the Commerce Main Lobby following the opening ceremony until 4:00 P.M. and the next day, October 6, 9:00 A.M. - 2:00 P.M.

- The International Trade Administration implemented a program which allows each unit, headed by an Assistant Secretary, to respond positively to request for reasonable accommodations. Each unit must set aside \$1500. Disabled employees make a written request to their supervisor. If the supervisor agrees, the request is forwarded to the Handicap Coordinator. A committee consisting of one representative from each unit reviews and approves all submitted requests. If the request is approved, the appropriate Assistant Secretary is notified of the need to authorize the allocation of funds.

Recent examples of its use include the purchase of special equipment including a large 20 inch monitor, a closed circuit television, zoom caps that enlarge keyboard keys, and a voice activated computer.

- Commerce revised the Real Property Management Manual to increase compliance with accessibility requirements in facilities leasing program. The revised provision should help reduce physical barriers for persons with disabilities to Commerce programs and activities.
- Under a Cooperative Research and Development Agreement with United Technologies' Otis Elevator, the National Institute of Standards and Technology is working to develop fire safe elevators to be available to evacuate disabled individuals in emergency situations.
- Larry Irving, the Assistant Secretary for The National Telecommunications and Information Administration, attended a meeting on Americans with Disabilities on August 4, 1994. He addressed the importance of building in accessibility for the disabled to the equipment and networks of the National Information Infrastructure at the onset rather than waiting to retrofit products and the infrastructure.
- Additionally, the National Telecommunications and Information Administration will hold an electronic hearing on the issue of universal access to the National Information Infrastructure. Access points will be set up in public libraries which will provide Americans with disabilities an excellent opportunity to have additional input into the process of redefining universal service.
- The Patent and Trademark Office developed an applicant referral system for individuals with disabilities. This system has markedly increased applicant referrals for individuals with disabilities.

1. The following information is provided in response to your request of September 9, 1994, regarding VA's compliance with laws and regulations pertaining to nondiscrimination on the basis of disability:

a. Currently VA is addressing the issue of centralizing funds for providing reasonable accommodations to persons with disabilities to remove a disincentive for hiring persons with disabilities. This would relieve managers of the need to find additional funds from their limited budgets, if disabled employees in their services required accommodations. On August 10, 1994, Secretary Brown approved the establishment of a General Operating Expense (GOE) account (\$50,000), which would include VBA and staff offices in VACO, for the purchase of adaptive equipment to accommodate employees with disabilities. Other organizations receiving non-GOE appropriations could set aside funds for the purchase of adaptive equipment. (See attachment.) Consideration is being given to expanding this provision to a centralized fund for expensive accommodations departmentwide.

b. Annually VA submits a report to the Equal Employment Opportunity Commission on the employment of people with disabilities. This report includes coverage of the agency's activity for the removal of architectural barriers. (See attached.)

c. In addition to VA's own publications, the Office of Equal Opportunity has used publications prepared by other lead agencies to publicize information about issues related to people with disabilities. (Copies attached.)

MP-7 "Equal Opportunity in the Veterans Administration" Chapter 2, Section E

38 CFR, Part 15 "Enforcement of Non-Discrimination on the Basis of Handicap in Programs or Activities Conducted by the Department of Veterans Affairs"

VA Directive #6621 "Accessible Technology"

VA Barrier Free Design Handbook

**Equal Employment Opportunity Management Directive 712
"Comprehensive Affirmative Action Programs for Hiring, Placement,
and Advancement of Handicapped Individuals" from the Equal
Employment Opportunity Commission (EEOC)**

**Equal Employment Opportunity Management Directive 713
"Affirmative Action for Hiring, Placement, and Advancement of
Individuals with Handicaps" from the EEOC**

**Office of Personnel Management's (OPM) "Handbook of Reasonable
Accommodation"**

OPM's Handbook of Job Analysis for Reasonable Accommodation"

**VA Memorandum "Answers to Questions on Issues Related to People
with Disabilities"**

**VA Memorandum "Disabled Veterans Affirmative Action and People
with Disabilities Programs"**

**Memorandum "Strategies for Making Documents Accessible to
Visually Impaired Employees" from the Interagency Committee on
Handicapped Employees (ICHE)**

EEOC's Memorandum "Individuals with Hearing Impairments"

ICHE's Memorandum "Individuals with Learning Disabilities"

**ICHE's Memorandum "Hiring, Placement, Training and
Advancement of Qualified Applicants and Employees with Handicaps"**

**Booklet from the President's Committee on Employment of People
with Disabilities (PCEPD) on the Job Accommodation Network**

**PCEPD's annual publication for National Disability Employment
Awareness Month and an all-station letter from the Secretary**

Handbook from the General Services Administration, "Managing End User Computing for Users with Disabilities." This publication provided an application form for receiving updates

EEOC's "A Guide for Managers and Supervisors" which was reprinted by VA

d. The MP-7 states that reasonable accommodation must be made to the known physical or mental limitations of a qualified applicant or employee with a disability unless it can be demonstrated that the accommodation would impose an undue hardship on the operation of the VA program. MP-7 lists VA's goals as follows:

- To be a model employer of persons with disabilities.
- To bring employees and applicants with disabilities into the mainstream of EEO planning and activities as a protected class.
- To eliminate architectural, systemic, communication, transportation, attitudinal or other barriers to the full representation of persons with disabilities in the work force.
- To focus on employment and advancement of persons with targeted disabilities, including special recruitment programs, numerical employment goals, and goals and timetables for facility accessibility.

38 CFR Part 15.130 states that no qualified individual with handicaps shall, on the basis of handicap, be excluded from participation in, be denied the benefits of or otherwise be subjected to discrimination under any program or activity conducted by the agency.

e. The frequent letters and issuances from Secretary Brown regarding nondiscrimination and affirmative action for people with disabilities illustrate forcefully VA's compliance with laws, regulations and policy issuances in the area of nondiscrimination on the basis of disability. (See attached.)

**Department of
Veterans Affairs**

Memorandum

Date: AUG 05 1994

From: Acting Assistant Secretary for Policy and Planning (008)
Subj: Special Account for the Purchase of Adaptive Technology
To: Secretary (00)

1. As you may know the Department is required by Public Law 102-569, the Rehabilitation Act of 1973, as amended, to provide reasonable accommodation to any disabled employee working in the Department. Often providing reasonable accommodation means the purchase of some type of adaptive equipment. Adaptive equipment is described in VA Acquisition Regulations and includes anything which is not ordinarily provided to employees as standard equipment, such as a desk or telephone, for aiding him/her in the performance of essential job functions.
2. In response to the requirements, the VA issued on April 11, 1994, Directive # 6621 Accessible Technology, in order to insure that Federal employees with disabilities have equivalent access to all information resources required to perform their jobs. The directive also requires each organizational unit to develop a technology accessibility plan to track the organization's progress in this area.
3. Most adaptive equipment referred to in VA Directive # 6621 is quite expensive. Due to this high cost, most disability advocates have argued that many managers are reluctant to hire persons with disabilities. In an effort to counteract such financial disincentives, other Federal agencies have established centrally funded accounts for the purchase of adaptive technology.
4. Currently the hiring organization must finance all of the cost of any accommodation for a newly-hired disabled employee. In recognition of the increased financial burden placed on smaller organizational units within VA, the former Chief of Staff and his Deputy asked the Assistant Secretary for Policy and Planning to study the feasibility of creating a special account for the purchase of adaptive equipment for newly-hired disabled employees in organizations funded through the General Operating Expenses account (GOE). The Assistant Secretary authorized creation of a working group charged with developing a proposal for a special adaptive equipment account within GOE-funded organizations.
5. After lengthy deliberations the working group coalesced around the following three related recommendations which we believe will help resolve the issue. It is clear these recommendations are illustrative of your ongoing commitment to the hiring and advancement of individuals with disabilities. The creation of this GOE account will aid managers in their efforts to recruit and hire individuals with targeted disabilities, which is consistent with the Departmental goal you set in your July 29, 1994, message.

Subject: Special Account for the Purchase of Adaptive Technology

6. **Recommendations:**

- 1 Establish a GOE account, which would include VBA and staff offices in VACO. The account would have a separate control point with centralized funding and ownership of adaptive equipment for disabled employees; further, the other organizations receiving non-GOE appropriations could set aside funds for the purchase of adaptive equipment. A centralized database for all adaptive equipment funded by the GOE account needs to be established for all adaptive equipment purchased for VACO employees. This approach counteracts the disincentive to hire persons with disabilities while providing a tracking mechanism to ensure that all adaptive equipment is "recycled."

☒ **Approved**
☐ **Disapproved**

- 2 Fund the special account for adaptive equipment at the \$50,000 level.

☒ **Approved**
☐ **Disapproved**

- 3 The responsibility for administration of the GOE centralized account for the purchase of adaptive equipment be placed under the Assistant Secretary for Human Resources and Administration, with the Individual Training Center serving in a consultative role for the purposes of assessment.

☒ **Approved**
☐ **Disapproved**

Signature: _____

Jose Brown

Date: _____

AUG 10 1994

7. David Walton of my staff, (202) 273-5061, coordinated this report and is available to reply to questions.

for *Edward Chow, Jr.*
H. David Burge



Department of Energy

Washington, DC 20585

September 21, 1994

TO: STANLEY S. HERR

SUBJECT: DISABILITY-RELATED ISSUES CURRENTLY ADDRESSED
BY THE DEPARTMENT OF ENERGY

Per your memorandum of September 12, 1994, I am forwarding the enclosed information about the Department of Energy's computer and electronic accommodations program for people with disabilities, and the disability-related issues currently addressed by the Department for your review.

If you need further information, please call me. Since I am hearing-impaired, I can be reached by dialing the DC Relay Center at (202) 855-1000. Your call will be facilitated by a relay communication assistant who will ask for my TDD office number which is (202) 586-5654.

I will be able to attend the next meeting on September 29th, and look forward to seeing you again.

A handwritten signature in cursive script, reading "Lila Farazian".

Lila Farazian
Coordinator, Affirmative Employment
Program for People with Disabilities

Encl.



DISABILITY-RELATED ISSUES CURRENTLY ADDRESSED
BY THE DEPARTMENT OF ENERGY

Following are the employment and accommodations issues which the Department of Energy is currently addressing:

EMPLOYMENT ISSUES:

In order to promote and increase employment opportunities for people with disabilities, the Department of Energy successfully obtained an authority from the Office of Management and Budget (OMB) in January 1993 for an exemption from full-time equivalent (FTE) ceiling controls for hiring people with disabilities including disabled veterans, sign language interpreters, readers, and personal assistants for the Department's employees with disabilities under the excepted appointing authorities. The success of the Department's ceiling exemption program for hiring people with disabilities has been hampered by the hiring and ceiling restrictions imposed by the Office of Management and Budget (OMB) Bulletin No. 93-08.

Furthermore, a large number of military bases across the country are in the process of closing down, and many Department of Defense (DOD) employees are being laid off. The National Defense Authorization Act for FY 1993, enforced by the Office of Personnel Management (OPM), requires all Federal agencies to give full consideration to the job applications of displaced Defense employees before selecting any candidate from outside the agency. Consequently, this law considerably slows down Federal agencies' efforts to increase the employment rate of disabled veterans and people with disabilities.

Due to the current downsizing efforts and scarcity of full-time equivalent (FTE) slots at the Department of Energy, managers and supervisors tend to overlook qualified applicants with disabilities and select those who seem to be "the Best and the Fittest" to fill those scarce FTE slots in their organizations. Because of the persistent myths and misconceptions, managers and supervisors tend to think that qualified applicants with disabilities cannot be the best qualified ones because of their severe disabilities. Consequently, it has become extremely difficult for highly qualified applicants with disabilities to compete for scarce FTE slots with women, minorities and other people who do not have disabilities. This unusually intensive competition perpetuates the Darwinian theory of "the Survival of the Fittest," and slows down Federal agencies' efforts to increase the employment rate of disabled veterans and people with disabilities.

I suggest that a central pool of FTE slots be established as a great incentive to encourage Federal managers and supervisors to hire people with disabilities and personal assistants (including interpreters and readers) under excepted appointing authorities at all Federal agencies. I suggest that the National Defense Authorization Act be amended to allow Federal agencies to select qualified candidates with disabilities from outside the agency without being required to give full consideration to the job applications of displaced Defense employees who do not have disabilities.

Currently, it is optional for managers and supervisors to take disability awareness training seminars. In fact, not many of them are highly motivated to take this necessary training seminar. Consequently, the myths, misconceptions and stereotypes about disabilities continue to perpetuate themselves at all Federal agencies, and discourage Federal managers and supervisors from increasing the representation of qualified people with disabilities.

I suggest that, like the AIDS awareness training, disability awareness training seminars be made mandatory for all Federal managers and supervisors in order to effectively eliminate those persistent myths, misconceptions and stereotypes and to open the Federal government's once-closed door to highly qualified people with disabilities.

ACCOMMODATIONS ISSUES:

The Department of Defense (DOD) established the central Computer/Electronic Accommodation Program (CAP) in 1990 to assist DOD field offices in procuring and providing adaptive devices for DOD employees with disabilities. The CAP program assisted DOD to significantly increase the employment and career advancement opportunities for people with disabilities by having successfully eliminated a wide variety of artificial barriers. The CAP office services as the primary DOD program office responsible for providing computer and electronic accommodations to individuals with disabilities, and assists DOD field offices by providing financial resources for services to make long-term training programs easily accessible. The CAP office also assists DOD field offices to fully integrate the electronic accommodations of persons with disabilities with the information resources management planning, programming, budgeting and acquisition processes.

Efforts to support the computer/electronic accommodation needs of employees with disabilities at the Department of Energy (DOE)

have been decentralized with each field office having their own program in addition to the Department of Energy Headquarters' program. While this arrangement meets existing requirements, the Department of Energy needs to expand and coordinate the program, especially in light of new DOE initiatives to increase employment and career advancement opportunities for people with disabilities. Occasionally, funding to procure adaptive devices has been difficult to obtain. There is no network among the Department of Energy field offices to expedite the acquisition and provision of accommodation services for people with disabilities. Furthermore, the Department of Energy does not provide additional financial assistance to small DOE field offices for reader/interpreting services for employees with visual or hearing impairments, for training opportunities for DOE employees with disabilities. Since some accommodations are expensive, many managers and supervisors have a hard time budgeting for these expenses, and therefore, are discouraged from hiring more people with disabilities.

The Department of Energy is currently considering the suggestion that the Department establish a central fund from which organizations can draw for procuring adaptive devices and support services, and the suggestion that the Department of Energy develop and implement a centralized DOE-wide accommodations system similar to the Department of Defense's CAP program. If the Department of Energy finds it feasible to adopt the above suggestions, the new program will eventually provide a wide variety of computer/electronic accommodations services for all DOE field offices, and will provide financial assistance to small DOE field offices for reader/interpreting services and for disabled employees' training opportunities. Such a centralized department-wide program will review the results of DOE field offices' efforts and provide constructive program feedback.

The Federal government needs to implement a new regulation which requires all Federal agencies to establish a separate line item in the annual Federal budget plan to provide resources and financial assistance to meet accommodation needs of Federal employees with disabilities.

2



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20410-0001

TO: Stan Herr, The White House

FROM: Thea Spires, ^{ts} HUD

RE: Federal Disability Accommodations Working Group
Assignment

DATE: September 26, 1994

HUD's federally-conducted 504 rule was published in June, and HUD is preparing to initiate the required self-evaluation. One aspect of the self-evaluation will be to review and revise existing procedures related to reasonable accommodation requests.

Some work has been done regarding employment-related reasonable accommodation requests. A guide for managers and supervisors, "The Employment of Persons with Disabilities", was developed and distributed in April, 1994. The guide provides a considerable amount of information about reasonable accommodations, including a section on such topics as "determining undue hardship", "types of reasonable accommodations", and "medical documentation", and a section on "procedures for processing requests for reasonable accommodations". The guide also includes a "Reasonable Accommodation Request" form, a glossary of functional limitations, and an extensive list of resource agencies.

Little work has been done on customer-related reasonable accommodation requests.

1. Specific accommodations issues now being addressed by HUD

Most "accommodations" noted by the office of personnel involved structural, equipment and/or communication-related modifications that were required programmatically (to meet general accessibility standards) rather than as responses to specific accommodation requests. Examples include: all elevators renovated to meet ADA access standards; water fountains in certain areas lowered to UFAS height; ADA-required signage installed in some areas; power doors installed in a few areas;

ramps and private shower areas installed in fitness center.

The few employee-specific accommodations that were noted included the following actions: installation and relocation of strobe lights as necessary in offices of hearing-impaired employees; provision of TTYs; interpreter services; modification of office furniture; installation of specially designed strength machine in fitness center.

2. Reports

At this time, no reports related to reasonable accommodation issues have been produced.

3. Publications or brochures

As noted above, HUD has produced a guide for managers and supervisors that includes information on employee accommodations. The guide is titled "The Employment of Persons with Disabilities". .

Ken Tiktin

Department of Transportation

TASKS

1. Identify specific compliance issues DOT is grappling with.
Sign language interpreters--quality
quantity
reimburseable agreements
inter-agency sharing

Transportation-Accessible vans & buses for events, training, etc.

Disability Awareness in general--raise interest to a higher priority

2. Identify reports of interest to working groups
DVAAP/ FEORP/ EEOC

3. Any publications or brochures to share with the task force

4. Other brief discussion of accomplishments within the Department
On-going classes "Introduction to American Sign Language and
Deaf Culture"
Monthly meetings of interagency Selective Placement Coordinators
discussions, problem-solving, sharing of issues related to
employees with disabilities
Bi monthly awareness workshops "Experiential Workshop on
Disability Awareness"--interagency
Train the Trainer--program to enable agencies to facilitate the
experiential workshop without the assistance of OST official
National Disability Awareness Campaign
Interagency, regions and headquarters--guest speakers
videos, workshops, lecturers, etc.
DOT Coalition of Minorities, Women, and Disabled
membership and involvement

SEP 27 1994

Stanley Herr;
Domestic Policy Council

Attached is EPA's response to the request of the Federal Disability Accommodations Working Group. Nelson Hallman will be representing EPA at the Thursday meeting. Any further communication on this subject should be directed to John C. Chamberlin 202 260 8400 or FAX(202 260 8408).

John C. Chamberlin

ENVIRONMENTAL PROTECTION AGENCY

ADA Accommodations

1. It is the policy of the Agency to meet the requirements of ADA and the Uniform Federal Accessibility Standards in all new construction and renovation projects at EPA facilities. Compliance with these standards is part of the Health and Safety review of plans. Deficiencies identified at existing facilities are typically corrected either by the facility or through the Agency's facility improvement process. An example of a major project designed to meet accessibility requirements is the new elevator for Narragansett that will provide access to the second floor of the office portion of that facility. Other examples would be the wheelchair accessible control panels that we installed in the Headquarters elevators and the ramps and handicapped accessible bathrooms in Headquarters that GSA had installed through the lessor when the lease was renewed.

2. Attached is a copy of the relevant section on accessibility of the Draft Laboratory Standards. This standard is made a part of the basic requirements for all new facilities. Also attached is a section of the Design Document for the Consolidated RTP Facility that describes the accessibility accommodations.

3. It is GSA policy to require lessors to make their buildings handicapped accessible when they negotiate or renegotiate leases. In those buildings that EPA owns or leases, it is our policy to meet ADA requirements when leases are renegotiated or renovations are made. In many instances, small renovations are undertaken solely to make ADA accommodations.

For new laboratories it is currently Agency policy to design rooms to be adaptable for use by persons with disabilities. This means that the width of each room will be sufficient to accommodate wheelchairs, the casework is modular and flexible so that it can be modified with no structural changes required, and all doorways and corridors are accessible. The particular concern we have for laboratories is in fume hoods and casework, which must also meet strict scientific standards. ADA accessible hoods are available, and adjustable casework can accommodate most configurations required. It is the intent of this policy to allow accommodation to be made in whichever area of the lab it may be required, rather than trying to prejudge what and where accommodations will be needed. All common areas of the facility, including bathrooms, corridors, lobbies, entries, as well as offices are designed to be accessible.

November 21, 1994

SUBJECT : Recommendations of the Employment and Workplace
Accommodations Sub-Group

To insure that the Federal Government, as an employer, plays a leadership role in promoting the employment of individuals with disabilities, the Employment and Workplace Accommodations Sub-Group has identified the following recommendations to be made to the Domestic Policy Council:

1. As a result of pressures created by downsizing efforts and the scarcity of full-time equivalent (FTE) slots within Federal agencies, it is feared that managers and supervisors may be reluctant to offer employment opportunities to highly qualified individuals with significant disabilities. This will only add to the competitive environment individuals with disabilities face in the affirmative action efforts for all protected classes.

To respond to this disincentive, each Federal Department or agency shall establish an adequate, centralized pool of full-time equivalency (FTE) slots designated to cover the successful placement of qualified individuals with disabilities and/or interpreters, readers, personal assistants, and other positions providing reasonable accommodations.

In an attempt to address this issue, policy recommendations have been made that would exempt positions providing interpreter, reader, personal assistance, and other reasonable accommodations from the FTE ceilings of their respective Department or agency. The Sub-Group cautions that this policy direction may jeopardize the job security and benefits of individuals in these professional support positions, thus also placing at risk the ability to retain such individuals for extended periods of employment.

2. Each Federal Department or agency shall establish a centralized fund, line item, or other budgetary mechanism -- with adequate funding levels -- to be used solely for expenses related to reasonable accommodations, accessibility modifications, and assistive technologies for the needs of Federal employees and applicants with disabilities.

3. Uniform procedures and practices for requesting reasonable accommodations, which comply with the regulatory requirements and protections of Sections 501 and 504 of the Rehabilitation Act, shall be established for all Federal Departments and agencies.
4. The Federal government shall establish and carry out uniform, consistent and reasonable leave policies for all Federal employees which adequately and fairly address the needs of individuals with disabilities that require extended and episodic treatment and/or protocols.
5. As a part of standard management training and consistent with existing, related mandatory training in these areas, training shall be developed for managers and/or supervisors to insure knowledge of the basic laws and concepts regarding nondiscrimination protections for individuals with disabilities, including hidden disabilities such as long-term mental illness and HIV/AIDS.
6. Federal Departments and agencies shall establish uniform, appropriate and adequate expertise and technical assistance in reasonable accommodations, accessibility, and other statutory requirements regarding legislation providing civil rights protections for Federal employees on the basis of disability.



U.S. Department of Justice

Civil Rights Division

Washington, D.C. 20530

A PRIMER

Disability Laws that Apply to the Federal Executive Agencies

A. BUILDINGS

1. All buildings built by the Federal government or built on behalf of the Federal government since 1968 must be accessible. Architectural Barriers Act of 1968, as amended, 42 U.S.C. §§ 4151-57; section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794.

2. Any alteration to a Federal building, any alteration to a part of any Federal building, any alteration to any building housing a program of a Federal executive branch agency, or any alteration to space leased to a Federal agency must be done in an accessible manner. Id.

3. When a Federal agency leases space in buildings not owned by the Federal government, the agency shall lease space that is accessible. If accessible space is unavailable, the agency can only lease space that has or has been altered to have:

- *at least one accessible route to those areas in the building for which the space was leased;

- *if toilets are available, at least one accessible one for each sex on each floor having toilets;

- *if parking is available, the appropriate number of accessible parking spaces.

*Exception: If no accessible space is available and the lease is necessary for officials servicing natural or human-made disasters on an emergency basis, or the space is used on an intermittent basis, or the occupancy is for no more than twelve months. 36 CFR Part 1190 (Minimum Guidelines and Requirements for Accessible Design of the Access Board), implemented as operating policy by the General Services Administration.

4. When leasing space for its programs, a Federal agency must ensure that, with the addition of the leased space, the Federal agency's program, when viewed in its entirety, is accessible to persons with disabilities. Section 504 of the Rehabilitation Act.

5. A building or alteration is accessible if it conforms to the Uniform Federal Accessibility Standards (UFAS). Most Federal buildings must conform to the standard of the General Services Administration (41 CFR 101-19.6). Residential buildings must conform to the standard of the Department of Housing and Urban Development (24 CFR Part 40). Post offices must conform to the standard of the United States Postal Service (Handbook RE-4). Military bases and buildings must conform to the standard of the Department of Defense (Chapter 18 of DoD 4270.1-M).

6. The Architectural and Transportation Barriers Compliance Board or Access Board is responsible for receiving and resolving complaints under the Architectural Barriers Act. All Federal executive agencies (and there are over 100 of them) are responsible for receiving, investigating, and resolving complaints of discrimination under section 504. Section 504 of the Rehabilitation Act; see, e.g., 28 CFR §39.170 (regulation of the Department of Justice)

B. EMPLOYMENT

1. All Federal executive branch agencies are prohibited from discriminating on the basis of disability against qualified persons with disabilities and must take affirmative action to hire, place, and advance persons with disabilities. Sections 501 and 504 of the Rehabilitation Act of 1973.

2. The Federal executive branch shall be a model employer. 29 CFR §1614.203(b) (regulation of the Equal Employment Opportunities Commission)

3. The standards for what constitutes discrimination on the basis of disability shall be the standards applied under title I of the Americans with Disabilities Act. Sections 501 and 504 of the Rehabilitation Act, as amended, 29 U.S.C. §§ 791(g), 794(d).

4. A Federal executive agency must make reasonable accommodation to the known physical or mental limitations of otherwise qualified individuals with disabilities who are applicants for employment or employees, unless the agency can demonstrate that the accommodation would impose an undue hardship on the operation of the agency. Sections 501 and 504 of the Rehabilitation Act.

*Reasonable accommodations include altering work sites or other facilities used by employees to make them accessible, acquiring or modifying equipment or devices (including the provision of computers), job restructuring, modifying work schedules, providing qualified readers or interpreters, adjusting or modifying examinations, training materials, or policies, or reassigning workers to vacant positions.

*An undue hardship is an action that is excessively costly, extensive, substantial, or disruptive, or that would fundamentally alter the nature or operation of the agency. Because of the resources and scope of Federal agencies, reasonable accommodations in Federal agencies rarely rise to the level of an undue hardship.

5. A Federal executive agency may not ask a job applicant about the existence, nature, or severity of a disability, but may ask about an individual's ability to perform specific job functions. Sections 501 and 504 of the Rehabilitation Act.

*Nor may a Federal executive agency make medical inquiries or conduct a medical examination until after a job offer has been made.

*A job offer may be conditioned on the results of a medical examination, but only if this examination is required for all entering employees in similar jobs.

*A Federal agency may only require a medical examination of an employee or may only make inquiries as to the nature or severity of a disability in limited situations, when the examination or inquiry can be shown to be job-related and consistent with business necessity.

6. The Equal Employment Opportunity Commission is chiefly responsible for enforcing the Federal government's employment nondiscrimination provisions. 29 CFR Part 1614 (regulation on Federal Sector Equal Employment Opportunity of the EEOC).

C. FEDERAL PROGRAMS, SERVICES, AND ACTIVITIES

1. A Federal executive branch agency must not discriminate in carrying out its programs, services, and activities. In simple terms, the nondiscrimination mandate extends to everything that a Federal agency does. Section 504 of the Rehabilitation Act.

2. Each Federal agency has a regulation implementing its nondiscrimination obligations and these regulations establish the specific nature of each agency's nondiscrimination obligations. See, e.g., 1 CFR Part 326 (regulation of the Administrative Conference of the United States); 22 CFR Part 144 (regulation of the Department of State); 29 CFR Part 33 (regulation of the Department of Labor).

3. Examples of programs operated by the Federal executive branch include the Social Security program, the FBI tour, the Internal Revenue Service, the White House tour, the National Parks system, the Federal prison system, the emergency management services programs of FEMA and SBA, and the schools operated by the Department of Defense.

4. Section 504's requirement not to discriminate extends to a wide range of the daily activities of each agency; examples include the obligation to:

- *Provide qualified sign language interpreters or other appropriate auxiliary aids at meetings or hearings held by the agency or at conferences or other events sponsored by the agency.

- *Provide materials in alternate accessible formats (large print, Brailled materials, audio recordings, computer disks) when materials are made available to the public in printed form.

- *Provide captions on all videotapes developed by or on behalf of the agency.

- *Provide a sufficient number of TDD's (telecommunication devices for the deaf or text telephones) for agency use, giving particular emphasis to frequently used agency telephone numbers and 800 numbers; Federal agencies should not just rely upon the telecommunications relay for telephone calls from people who are deaf.

- *Provide extra assistance or modifications in agency forms to assist persons with mental retardation or other mental disabilities.

- *Ensure that, when Federal agencies hold agency-sponsored meetings, conferences, hearings, or other events outside the Federal work place, they only locate these events at accessible sites.

- *Provide accessible services at agency facilities when open to the public, for example, the agency library or cafeteria.

- *Ensure that, in administering a Federal grant program, the agency neither discriminates on the basis of disability in making grant decisions nor provides funding to entities that themselves discriminate on the basis of disability.

- *Obtain written assurances that the grant applicant is not discriminating on the basis of disability.

*Require the submission of addition, targeted, specific information to establish compliance, including budgetary information.

5. Federal agencies shall ensure that individuals with disabilities can produce and have access to information and data regardless of the type of medium, including all electronic and information technologies, that is comparable to the opportunities of individuals who do not have disabilities. Section 508 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794d.

6. Each Federal executive branch agency is responsible for designating an official to coordinate implementation of section 504 for federally conducted programs. Each Federal agency shall receive and resolve complaints of discrimination. Section 504 of the Rehabilitation Act.

D. THE AMERICANS WITH DISABILITIES ACT

*Remember that the Americans with Disabilities Act does not apply to the Federal executive branch. When the ADA was enacted in 1990, a full and rich set of Federal civil rights laws already covered the Federal executive branch. The ADA does apply to all employers with 15 or more employees (other than the Federal government), all units of State and local government, public accommodations, commercial facilities, carriers engaged in telecommunications, the U.S. Senate, the U.S. House of Representatives, and instrumentalities of the U.S. Congress.

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. list	Clearance List for Federal Disabilities Accommodations Working Group Meeting; RE: Personally Identifiable Information [partial] (1 page)	11/17/1994	b(6)

COLLECTION:

Clinton Presidential Records
Domestic Policy Council
Diana Fortuna
OA/Box Number: 12029

FOLDER TITLE:

[Federal Disabilities Accommodations Working Group] [loose]

2007-0143-F
db4499

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

CLEARANCE LIST FOR
FEDERAL DISABILITIES ACCOMMODATIONS WORKING GROUP MEETING

November 17, 1994
Room 472
2:00 - 3:30 p.m.

BEECHER, John

BLACK, Gale

FARAZIAN, Lila

N2 FONTAINE, Paul

FRAM, David

GUNNEY, Carolyn

HANCHER, Dennis

HERNANDEZ, Ida

KUNKLE, Kenneth

MC CORMICK, Steve

MILLER, Paul Steven

MOSES, Howard

PISCIOTTA, William

ROFFEE, Larry

SABATTI, Pietro

SAVAGE, Liz

SPIRES, Cynthia

THIR, Terry

TIKTIN, Kenneth

VAIL, John

VIRTUE, Paul

VOSS, Nancy

WINTER, Michael

WODATCH, John

Elizabeth, Shelly

[001]

(b)(6)

SUB-GROUPS FOR THE FEDERAL DISABILITIES ACCOMMODATIONS
WORKING GROUP

(1) Employment and Workplace Accommodations

Lance Alworth
John Beecher
Lila Farazian
Caroline Gunney
Howard Moses (Coordinator)
Thea Spires
Kenneth Tiktin
Raymond Vogel

(2) Building and Other Accessibility Designs

John Cressman
Reba Evans
Dennis Hancher
Larry Roffee (Coordinator)
Steve McCormick
John Vail
Michael Winter

(3) Information Technology Applications and Public Accommodation

Susan Brummel (Coordinator)
Melvin Fowler
Bob Williams

(4) Law Compliance

Deidre Davis
Judy Heumann
Peggy Mastroianni
Paul Miller
Thea Spires
Marilyn Thornton
Paul Virtue
Shirley Wilcher
John Wodatch (Coordinator)



Anniversary of the Americans with Disabilities Act, 1994

By the President of the United States of America

A Proclamation

The Americans with Disabilities Act is a national monument to freedom. Contained within its broad pillars of independence, inclusion, and empowerment is the core ideal of equality that has defined this country since its beginnings. For when America's founders set down the guiding words of freedom, first among them, proudly were, "We the People." Our young Nation would be governed not by kings or tyrants—America would be led by farmers and doctors, artists and merchants, teachers and parents, each possessing widely different knowledge and skills. Some would be active participants in community life. Others would embrace the quiet joys of home. But all of the people would make an essential contribution to the character and quality of America.

On this, the fourth anniversary of the Americans with Disabilities Act (ADA), we mark the full extension of the ADA's employment provisions to our Nation's small businesses. In 1990, members of both political parties resolved to make laws of inclusion, and today, telephone relay systems connect deaf and hard-of-hearing individuals to Americans everywhere. Four years ago, we pledged to build bridges to independence, and today, architectural barriers are coming down in office buildings and movie theaters across the country, making room for new passageways to participation. We moved to craft policies of empowerment, and today, leaders in public and private sectors alike are recognizing the vast potential of every citizen and the breathtaking determination of each to create and to achieve. With this Act, we began a new era for 49 million of our fellow citizens. And today, celebrating the rights of people with disabilities, we declare in no uncertain terms that "We the People" means all of us, with our myriad differences and doubts, with our infinite talents and aspirations.

This day—a wonderful, vigorous celebration of the progress and possibilities for equal opportunity—must also include an equally vigorous commitment to continue the fight. Now is the time to act on our understanding that having a physical or mental disability is a part of the human experience. We must work to fully implement the provisions of the ADA and to see that these and related laws are aggressively enforced in our schools and workplaces, in our national government and local councils. Most important, we must finally overcome the remaining handicaps of prejudice and stereotype. Discrimination, ignorance, intolerance—these barriers are a far greater tragedy than any common limitation of the human mind or body. And it is only in overcoming these that America will truly be worthy of its people.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim July 26, 1994, as the Anniversary of the Americans with Disabilities Act. I call upon the people of the United States to observe this day with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-sixth day of July, in the year of our Lord nineteen hundred and ninety-four, and of the Independence of the United States of America the two hundred and nineteenth.

William J. Clinton

INTERAGENCY COORDINATING COUNCIL

Section 507

Interagency Coordinating Council

The Interagency Coordinating Council was established by the 1978 amendments to the Rehabilitation Act to coordinate and facilitate the effective Federal implementation of Title V of the Act. Eight Federal agencies with enforcement or coordination functions with regard to these provisions are represented on the Council. These agencies are: the Departments of Justice, Labor, Health and Human Services, Education, and Interior; the Architectural and Transportation Barriers Compliance Board; the Office of Personnel Management; and, the Equal Employment Opportunity Commission. The Council is chaired by the Assistant Attorney General for Civil Rights.

During FY 1992, the Council met and considered two major issues: the Americans with Disabilities Act; and, publication of Government records in accessible formats for use by persons with disabilities. Consideration of these issues by the Council during FY 1992 are highlighted as follows:

- o The Council gave final approval on July 16, 1992, for the dissemination to the more than 90 Federal Executive agencies of its revised policy statement, "Making Government Documents and Audiovisual Materials Available in Accessible Formats." This policy, designed to assist agencies in understanding their responsibilities to make Government documents and audiovisual materials available in accessible formats for people who are unable to use conventionally printed or filmed material, originally was approved by the Council in June 1990. The Department of Justice, on behalf of the Council, submitted this policy for additional review to OMB, which requested that the Council circulate it for review to some covered agencies prior to its dissemination. In May 1992, the ten agencies that were asked to review the policy provided comments on the proposed policy. Their comments strongly supported the Council's policy, which underwent minor revisions to update examples and terminology prior to its final issuance.
- o A work group was established by the Council to prepare a report on differences between the requirements of titles I and II of the ADA and the requirements of section 504. The working group include representatives from Justice, ED, HHS, and EEOC. The work group held a series of meetings to discuss possible inconsistencies between the requirements of titles I and II and the requirements of section 504 and to identify the significant differences that will be included in the report to the Council. This group completed its discussions of title I and the employment provisions of section 504 and began discussion of the service requirements of title II and section 504.

Contact person: Ms. Stewart B. Oneglia, (202) 307-2222, (202) 307-2678 (TDD)



National Disability Employment Awareness Month, 1993

By the President of the United States of America

A Proclamation

The United States has long been a champion of the civil rights of individuals, and it is only natural that we now serve in the forefront of efforts to ensure equal opportunity for persons with disabilities. Inspired by the enactment of the Americans with Disabilities Act (ADA) on July 26, 1990, other nations have begun to reexamine the challenges faced by their citizens with disabilities. The ADA, which prohibits discrimination in employment, public accommodations, government services, transportation, and communications, provides a practical model for people everywhere to ensure that individuals with disabilities will not be excluded from the social, cultural, and economic mainstream.

Together we have begun shifting disability policy in America from exclusion to inclusion; from dependence to independence; from paternalism to empowerment. And we have made a firm commitment—a national pledge of civil rights for people with disabilities—to enforce the Americans with Disabilities Act. We cannot be satisfied until all citizens with disabilities receive equal treatment under the law, whether in the workplace, in schools, in government, or in the courts. We will not be satisfied as a Nation until we have fully implemented the laws that offer equal opportunity for Americans with disabilities, including the ADA and the Rehabilitation Act of 1973.

We do not have a single person to waste. Citizens with disabilities want to lead full, independent, and productive lives. They want to work; they want to pay their fair share of taxes; they want to be self-supporting citizens. America must enable the 43 million talented Americans with disabilities to contribute by offering them the individualized training and education we offer everyone else.

Our Nation can ill afford to waste this vast and only partially tapped source of knowledge, skills, and talent. In addition to being costly—over \$300 billion is expended annually at the Federal, State, and local levels to financially support potentially independent individuals—this waste of human ability cannot be reconciled with our tradition of individual dignity, self-reliance, and empowerment. As we work to achieve thorough and harmonious implementation of the Americans with Disabilities Act, we will open the doors of opportunity for millions of people, thereby expanding, not only the ranks of the employed, but also the ranks of consumers. These individuals and their families will thus be able to pursue the real American Dream.

I congratulate the small business and industry leaders, labor leaders, and community leaders from all walks of life who are working together to implement the ADA and the Rehabilitation Act, and I commit the resources and cooperation of the Federal Government toward that effort. Our ongoing progress attests to the fundamental vitality and openness of our free enterprise system and to our abiding commitment to civil rights for all. Every American needs a chance to contribute. Our work is far from finished. America needs the continued leadership of every citizen to fulfill the promise of the Americans with Disabilities Act and related laws.

The Congress, by joint resolution approved August 11, 1945, as amended (36 U.S.C. 155) has called for the designation of October of each year as "National Disability Employment Awareness Month." This month is a special time for all Americans to recognize the tremendous potential of citizens with disabilities and to renew our commitment to full inclusion and equal opportunity for them, as for every citizen.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby proclaim October 1993 as National Disability Employment Awareness Month. I call on all Americans to observe this month with appropriate programs and activities that affirm our determination to fulfill both the letter and the spirit of the Americans with Disabilities Act.

IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of October, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and eighteenth.

William J. Clinton



**President's Committee on Employment
of People with Disabilities**

Telephone Numbers for ADA Technical Assistance

President's Committee on Employment of People with Disabilities
202-376-6200 (Voice) 202-376-6205 (TDD)

Job Accommodation Network, A Service of the President's Committee
800-526-7234 (Voice/TDD)

Architectural and Transportation Barriers Compliance Board
800-872-2253 (Voice/TDD) 202-272-5434 (Voice) 202-272-5449 (TDD)

U.S. Department of Justice
202-514-0301 (Voice) 202-514-0383 (TDD) 1-800-514-0301 (Voice) 1-800-514-0383 (TDD)

U.S. Department of Transportation
202-366-9306 or 1656 (Voice) 202-366-7687 or 2979 (TDD)

Disability Rights Education and Defense Fund
202-986-0375 (Voice/TDD) 510-644-2555 (Voice) 510-644-2626 (TDD)

Equal Employment Opportunity Commission
800-669-4000 (Voice) 800-669-3302 (TDD)
800-669-3362 Publications only (Voice)

Federal Communications Commission
202-632-7260 or 634-1808 (Voice) 202-632-6999 (TDD)

National Association of the Deaf
301-587-1788 (Voice) 301-587-1789 (TDD)

National Association of Protection and Advocacy Systems
202-408-9514 (Voice) 202-408-9521 (TDD)

National Center for Law and the Deaf
202-651-5373 (Voice/TDD)

National Institute on Disability and Rehabilitation Research
202-205-9151 (Voice) 202-205-9136 (TDD)

Project Action - National Easter Seal Society
202-347-3066 (Voice) 202-347-7385 (TDD)

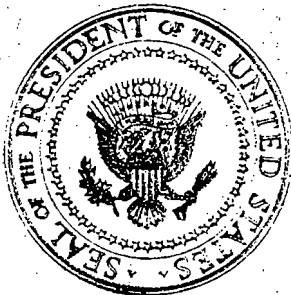
Rehabilitation Services Administration
202-205-5482 (Voice) 202-205-5538 (TDD)

**National Institute on Disability and Rehabilitation Research (NIDRR)
Regional Disability and Business Technical Assistance Centers (DBTACs)**

1-800-949-4232 (Voice/TDD)

Your free call will ring through to the NIDRR DBTAC responsible for the region that contains your area code.

I New England DBTAC CT, ME, MA, NH, RI, VT	U. of So. Maine- Muskie Inst. of Public Affairs	145 Newbury St. Portland, ME 04101 207-874-6535 V/TDD 207-874-6529 Fax
II Northeast DBTAC NJ, NY, PR, VI	United Cerebral Palsy Assoc./NJ	354 So. Broad St. Trenton, NJ 08608 609-392-4004 609-392-7044 TDD 609-392-3505 Fax
III Mid Atlantic DBTAC DE, DC, MD, PA, VA, WV	Endependence Center of No. Virginia	2111 Wilson Blvd. #400, Arlington, VA 22201 703-525-3268 V/TDD 800-232-4999 703-525-6835 Fax
IV Southeast DBTAC AL, FL, GA, KY, MS, NC, SC, TN	United Cerebral Palsy Assoc. Inc./National Alliance of Business	1776 Peachtree Rd., #310N Atlanta, GA 30309 404-888-0022 V/TDD 404-888-9091 Fax
V Great Lakes DBTAC IL, IN, MI, MN, OH, WI	University of Illinois at Chicago/ U. Affiliated Program	1640 W. Roosevelt Rd., M/C 626 Chicago, IL 60608 Room 405 312-413-7756 V/TDD 312-413-1326 Fax
VI Southwest DBTAC AR, LA, NM, OK, TX	Independent Living Research Utilization/ The Inst. for Rehab & research	2323 S. Shepherd St. Suite 1000, Houston, TX 77019 713-520-0232 713-520-5136 TDD 713-520-5785 Fax
VII Great Plains DBTAC IA, KS, NE, MO	University of Missouri at Columbia	4816 Santana Dr. Columbia, MO 65203 314-882-3600 V/TDD 314-884-4925 Fax
VIII Rocky Mtn. DBTAC CO, MT, ND, SD, UT, WY	Meeting the Challenge, Inc.	3630 Sinton Rd., #103 Colorado Springs, CO 80907-5072 719-444-0252 V/TDD 719-444-0269 Fax
IX Pacific DBTAC AZ, CA, HI, NV, Pacific Basin	Berkeley Planning Associates	440 Grand Ave., #500 Oakland, CA 94610 510-465-7884 800-949-4232 TDD 510-465-7885 Fax
X Northwest DBTAC AK, ID, OR, WA	Washington State Gov's Comm. on Disabilities Issues & Employment	605 Woodland Square Loop S E, Olympia, WA 98507-9046 800-949-4ADA V/ TDD 206-438-4116 V/TDD 206-438-4014 Fax



National Disability Employment Awareness Month, 1993

By the President of the United States of America

A Proclamation

The United States has long been a champion of the civil rights of individuals, and it is only natural that we now serve in the forefront of efforts to ensure equal opportunity for persons with disabilities. Inspired by the enactment of the Americans with Disabilities Act (ADA) on July 26, 1990, other nations have begun to reexamine the challenges faced by their citizens with disabilities. The ADA, which prohibits discrimination in employment, public accommodations, government services, transportation, and communications, provides a practical model for people everywhere to ensure that individuals with disabilities will not be excluded from the social, cultural, and economic mainstream.

Together we have begun shifting disability policy in America from exclusion to inclusion; from dependence to independence; from paternalism to empowerment. And we have made a firm commitment—a national pledge of civil rights for people with disabilities—to enforce the Americans with Disabilities Act. We cannot be satisfied until all citizens with disabilities receive equal treatment under the law, whether in the workplace, in schools, in government, or in the courts. We will not be satisfied as a Nation until we have fully implemented the laws that offer equal opportunity for Americans with disabilities, including the ADA and the Rehabilitation Act of 1973.

We do not have a single person to waste. Citizens with disabilities want to lead full, independent, and productive lives. They want to work; they want to pay their fair share of taxes; they want to be self-supporting citizens. America must enable the 43 million talented Americans with disabilities to contribute by offering them the individualized training and education we offer everyone else.

Our Nation can ill afford to waste this vast and only partially tapped source of knowledge, skills, and talent. In addition to being costly—over \$300 billion is expended annually at the Federal, State, and local levels to financially support potentially independent individuals—this waste of human ability cannot be reconciled with our tradition of individual dignity, self-reliance, and empowerment. As we work to achieve thorough and harmonious implementation of the Americans with Disabilities Act, we will open the doors of opportunity for millions of people, thereby expanding, not only the ranks of the employed, but also the ranks of consumers. These individuals and their families will thus be able to pursue the real American Dream.

I congratulate the small business and industry leaders, labor leaders, and community leaders from all walks of life who are working together to implement the ADA and the Rehabilitation Act, and I commit the resources and cooperation of the Federal Government toward that effort. Our ongoing progress attests to the fundamental vitality and openness of our free enterprise system and to our abiding commitment to civil rights for all. Every American needs a chance to contribute. Our work is far from finished. America needs the continued leadership of every citizen to fulfill the promise of the Americans with Disabilities Act and related laws.

The Congress, by joint resolution approved August 11, 1945, as amended (36 U.S.C. 155) has called for the designation of October of each year as "National Disability Employment Awareness Month." This month is a special time for all Americans to recognize the tremendous potential of citizens with disabilities and to renew our commitment to full inclusion and equal opportunity for them, as for every citizen.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby proclaim October 1993 as National Disability Employment Awareness Month. I call on all Americans to observe this month with appropriate programs and activities that affirm our determination to fulfill both the letter and the spirit of the Americans with Disabilities Act.

IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of October, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and eighteenth.

William J. Clinton

November 21, 1994

SUBJECT : Recommendations of the Employment and Workplace
Accommodations Sub-Group

To insure that the Federal Government, as an employer, plays a leadership role in promoting the employment of individuals with disabilities, the Employment and Workplace Accommodations Sub-Group has identified the following recommendations to be made to the Domestic Policy Council:

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5. As a part of standard management training and consistent with existing, related mandatory training in these areas, training shall be developed for managers and/or supervisors to insure knowledge of the basic laws and concepts regarding nondiscrimination protections for individuals with disabilities, including hidden disabilities such as long-term mental illness and HIV/AIDS.
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18/94: WORKING GROUP

STAN

- INTROS
- Charge to the group
- proclamations, etc.
- Anecdote

INTRODUCTIONS - around the room

JOY HEIMAN

- Political context.
- DOE: probs obvious. EE's needed accommodations but unable to get them. Afraid to ask. recruitment, training all lacking. Also were grantees in compliance.
- • ESTD working comm w/ DOE to address these issues.
- Must be model at fed level for sts/localities/communities
- Will be difficult - but encouraged by this working group.
- Not an unfunded mandate, but a civil right
- Goal: to show we can do this w/o creating hardships.
- Solutions may be intergovernmental / intragov
- Still a lack of understanding of "accommodations" w/ in the Depts.

Comments:

- May be resources/funding not just understanding.
- Getting disabled people into a discussion means they won't be an afterthought in other discussions.

EGAL
12 } Justice
John }

Liz • While many agencies are good about serving cc's, they may be less so to applicants, customers.

John • Emphasized how diff it is to make employer comply if fed'l govt doesn't.

- ADA ~~does~~ not apply to the fed govt b/c there are full/rion laws applying to fed govt already.
- Arch Barriers Act (1968): fed bldgs wld be accessible.
 - shdnt be an issue, but it doesn't happen
 - guidelines found in Uniform Federal Accessibility Stds.
 - not identical to other stds (ADAG, e.g.)
- Rehab Act of 1973: 1st law protecting people's rights.
 - 501 - employment provisions: affirmative action req'd. enforced by EEOC. Can't look into the history on the issue of disability.
 - 502 - et'd Access Board
 - 503 - procurement lc's > \$10k must req that entity will not disc. and take Aff. steps.
 - 504 - until '78 applied to govt process.
 - now to exec agencies. Applies to everything: meetings, materials, accessibility.
 - applies to all programs.
 - 508 - computer / ADP systems wld be accessible.
- Intra-agency Disability Coord. Council
- EEOC / DOJ both have jurisd to review compliance by agencies.
- If Agencies are out of compliance - complaints go to the agency itself. Self-enforcement.

- 307-2227 - John Woodatch

The Access Board
Larry Roffee

- Reviewed who they are, what they do.
- Main complaints: post offices, transit shortcuts.

Note: conflicting relationship b/w roles as watchdog and TA. Sep. units / sep. people.

Issue Identification
Paul Miller

- Quick internal audit / snapshot of entire agency focusing on compliance: hiring, assistive technology, etc.

- both employee and customer services

- as a group, deal w/ agency gaps.

- Sharing resources/info across fed'l agency - sharing resources - interpreters,

Comment: technology: cert'd res. accom.

office - might be too complex.

- old invite someone from fed'l interpreters council.

STAN

TIME!

- Assignments: each agency prepare a snapshot
 - ① 10 spec. Acc. issues now grappling with.
 - ② 10 reports relevant to this WG
 - ③ Publications / brochures - pls. share w/ us
 - ④ Brief desc of other issues, accomplishments, problems.

Next Mtg

Sept 29 2:00

Rm 422

Permy ^(miles) ~~Commit~~ →
Dk

Very Nice meeting
New - mile summary -

can't tell -- record
while meeting

purpose update

⇒ Senior Policy for
Follow through -- implementation
or display asset

Send First proposal

(Chief of Staff -- ^{Resumes} ~~Permy~~ ~~Thom~~
line Tell Haras Cabinet Affairs)

Notes - 2nd meeting FRANK
A. Penless

at table

Philip Frazzini --

Moses --

Houm --

Ben Ami

Tictor - disability

Ammonio - P. 1st

Angela

Ruffee - Peers Bd.

Voss --

South

~~Hiller~~ -- OPM -
conclusion

Pat Land - PDA

Hen

Frazzini

Sing

Muller

Around Rev

Wilches
Randy Labos

Oyce Dwyer
left car

Pam Delcoritz -

Carol Dwyer - 504
Self-Exclusion

Ben Bond - pvt
(Families)

Kathy Stern -
EPA

Funder -
Carol Dwyer
intern

Alto

Vasef -
Rehman -

Hamm
Building
Technology

Farrar - Pontulm over longest
2-way

Heumann:

Trans
Receipt of DP.
Media

2:25

Amities -- in Argentina
See Dept. Water Group
Rod McCormick:

not on line to DE --
podcasts.

Bauer - amies

2:32

points where DBoach -
mugshot
stated by DPC --
words into each
Clear message;

Unfunded minutes

no under handling;

300 bl

Places + practices - clear
+ undisturbed.

Heumann, interpreter, familiar
translators -- subject

✓ Lack of true understanding

-- "open dialogue"

methods of making argument
over next couple of years /
• similar problems State + local
S & VT

Q: Fanning -- resumes
not just inadvertently
Q: legal obligation

Pending / Ann Statement
Budget

More:

disability issues, and as
after thought; part of
a really strong

Let

2:40

Savage -- obligated to our citizens
interp apt, public eq
acceptable to meet
1980 / comprehensiveness

Woddy

1968 -- 1968 carpeting //

GSA
DOO
PO

4 cites

VFAS cites

VFAS -

1973 --

CW bundles

reasonable accumulation can
so beyond VFAJ

Q: results

Fed Govt -- state local Govt

Pre-employment inquiry
history of
criminal & delinquent
psychiatric records

OPM -- FJ 86 Form
Investigative

FBI

Attorney General --

BEOC Leadership //
503 K language

§ 504 -- ~~1981~~ 1978 amendments
apply to Fed Executive Branch

Captain / usually disarmed
FBI - Flamm - J. (w/ barbers reconstructing)
SBA

Andy Ruhl

\$504 - computer system
@ Q&A

Swan Brown
(unbeatable)

Disability Community
Council (1992)

alternative format

good book
drawn
move to be

done.

Wf turn --
Source Center --

~~more work~~

\$504 office of officer for
monthly \$504

puller -- ^{not just meet} a CHR Expertise
Best use of our time

Tutor, lens at 3:20

Annual Report

To the President and to the Congress

Fiscal Year 1992

**On Federal Activities Related to the
Rehabilitation Act of 1973, as Amended**

Section 501

Employment of People with Disabilities in the Federal Government

The Equal Employment Opportunity Commission (EEOC) has responsibility for enforcing the nondiscrimination and affirmative employment provisions of laws and regulations concerning the employment of people with disabilities. Each year Federal agencies submit annual accomplishment reports and plan updates to the EEOC. The EEOC in turn reviews and evaluates these reports to determine the progress, if any, being made by Federal agencies in the hiring, placement, and advancement of people with disabilities. From this information, the EEOC prepares an annual report to the President of the United States and Congress regarding employment of people with disabilities in the Federal Government.

Data indicates that employees with disabilities in the Federal Government continue to comprise a much smaller proportion of the Federal work force than their numbers represent in the population as a whole. Over the last decade, representation of people with targeted disabilities has only increased from 0.82% of the work force in 1982 to 1.19% in 1992. The targeted disabilities are those severe disabilities that are targeted for employment emphasis in affirmative action program planning. As part of EEOC's oversight responsibilities, it is empowered to conduct onsite reviews of federal agency affirmative employment programs. During FY 1992, the staff conducted such reviews in Atlanta, Chicago, Dallas New York, Philadelphia, St. Louis, San Francisco and Seattle. These reviews resulted in findings and recommendations for each site visited. The EEOC then monitors the implementation of these findings during the ensuing fiscal year.

As part of the Federal Government's efforts to carry out the Congressional mandate for federal employment of people with disabilities, the Interagency Committee On Employment Of People With Disabilities (ICEPD) was established under the Rehabilitation Act of 1973, as amended, at Section 501. The Committee has the responsibility for:

- o providing a focus on the employment of individuals with disabilities in the Federal Government and reviewing, in cooperation with the EEOC, the adequacy of hiring, placement, and advancement practices with respect to individuals with disabilities in the executive branch agencies;
- o increasing employment opportunities for individuals with disabilities and ensuring an equitable, suitable, and functional work environment in the federal service; and
- o making recommendations for policy, procedural, regulatory, and legislative changes designed to improve employment opportunities for people with disabilities.

The ICEPD makes recommendations to state agencies on policies and procedures to increase employment opportunities for people with disabilities. Currently, the ICEPD is reviewing

E X E C U T I V E O F F I C E O F T H E P R E S I D E N T

29-Sep-1994 01:31pm

TO: Carol H. Rasco

FROM: Stanley S. Herr
Domestic Policy Council

CC: Rosalyn A. Miller
CC: Jeremy D. Benami

SUBJECT: Timeline for Disability Accommodations Report to DPC

Carol -- In line with your desire that we able to report back to the DPC at its 2nd meeting in November (November 28th), I intend to task this Working Group to get me their proposed recommendations by our follow-up meeting (now scheduled for Nov. 17th in the White house conference center). I think there are other benefits of having this group continue to meet after November but for now I'll try to pull together the best concise report by the 28th of that month.

E X E C U T I V E O F F I C E O F T H E P R E S I D E N T

29-Sep-1994 04:32pm

TO: Carol H. Rasco
FROM: Stanley S. Herr
Domestic Policy Council

SUBJECT: RE: Timeline for Disability Accommodations Report to DPC

Thanks for the clarification. We can certainly have an update or status report by that time, including the very useful primer on federal disability law and the obligations on Federal Executive agencies under 504, etc.

I'm glad to hear that this working group can go forward beyond November as I think it provides a useful information forum and can be a source of good recommendations for budget, program, and administrative specialists.

We had 28 representatives attending today, and they seemed enthused and ready to meet in four smaller groups to grapple with 1) employment and workplace accommodations, 2) building and other accessibility design issues; 3) information, technology applications, and public accommodations, and 4) law compliance issues.

The folks from Idaho were delighted at the chance to present their accessibility data management system, and in general it seemed to be an exceptional meeting.

THE WHITE HOUSE

WASHINGTON

TO: Members of the Federal Disability Accommodations Working Group

FROM: Stanley S. Herr *Stan Herr*

SUBJ: Minutes of Initial Meeting and Reminder of Next Steps

DATE: September 12, 1994

On August 18th, the DPC's Federal Disability Accommodations Working Group met at the Old Executive Office Building for 90 minutes. Twenty-seven representatives from twenty agencies and White House units attended the inaugural meeting to carry out the charge to this working group outlined in Carol H. Rasco's memorandum of July 26th.

Our next meeting will be held on September 29th, 2:00 to 3:30 in room 472 OEOB. Please confirm your attendance and provide your clearance information by calling Beverly Pechtel at 456-5571 or faxing to 456-7028.

The August 18th meeting closely followed the attached agenda and included fine presentations by the listed individuals. The main points to emerge from those presentations and discussion included, but were not limited to the following:

- The charge to the Working Group was validated as clear and important from political, policy, and law compliance perspectives.

- The President has often expressed his commitment to full implementation of the ADA and Rehabilitation Act and thus to Federal leadership on accommodations issues.

- This Working Group presents a unique opportunity for this Administration to really make the Federal government a model employer, provider of customer services, source of accessible information, contractor and grantor to federally assisted entities, and manager of buildings, parks, and other tangible facilities in ways that benefit persons with disabilities and their families and companions.

- The Federal government must be an exemplar of good

accommodations practices and policies to have credibility with the private sector as it seeks compliance with the ADA and Sections 503 & 504.

- The Federal government should be able to demonstrate the ability to structure reasonable accommodations inside our agencies without creating undue hardships.

- Yet many departments still don't understand the nature and range of accommodations needed; many employees are reluctant to ask for them; and recruitment, training, multi-media information, and other aspects of employment relationships with persons with disabilities remain problematic.

- These issues are civil rights issues, not just personnel ones.

- The solutions to these problems may have interagency and intergovernmental aspects, such as pooled resources (e.g., data banks on accommodations solutions, computerized complaint tracking systems, translator services, etc.) and additional resources to avoid disincentives to hiring persons with disabilities.

- Clearer policies and practices are needed to ensure grantee compliance as well as Federal compliance in a range of governmental programs that impact nearly one in seven Americans.

- As more federal employees with disabilities at policy making levels are hired, impacts of policy initiatives on citizens with disabilities may receive more direct and early attention.

- Although some departments are doing a better job to meeting the accommodations needs of their employees, customers, and the general public, there is considerable unevenness in performance.

- The Justice Department provided an overview of the legal obligations of the Federal government and offered to make that briefing available to DPC members and this Working Group in written form.

- The Access Board identified the multiple sources of technical assistance on accommodations available from within and without the government. They are also available for such consultations, and their technical assistance employees operate separately from compliance officers to minimize conflict.

- The Access Board is also working to unify and harmonize access standards.

- There is a need to share information across the Federal government on what is working, and what common issues are

being encountered and creatively resolved, e.g., providing information in alternative formats, such as discs, tapes, braille, large print; the use and availability of assistive technology.

At the close of the meeting, each agency representative was given the following four-part assignment designed to give a quick snap-shot of activities within your respective agency or department:

1. identify some of the specific accommodations issues that your department or agency are now addressing.
2. produce or identify any reports that your agency has written or proposed on the topics covered by this Working Group.
3. produce or identify any publications or brochures that you have written on those topics.
4. describe briefly any other issues, accomplishments, and problems that your agency has noted that bear on the charge to this Working Group.

We agreed that these brief memorandums would be sent to me by September 22nd so that they could be distributed and discussed at the next meeting.

I look forward to reviewing those materials and to seeing you at our September 29th meeting.

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I look forward to reviewing those materials and to seeing you at our September 29th meeting.

saved as c:minutes.818

THE WHITE HOUSE
WASHINGTON

Meeting of Federal Disability Accommodations Working Group

August 18, 1994, 2:00 to 3:30, 472 OE0B

AGENDA

Welcome and Introductions

Stanley S. Herr
The White House

The Political Context

Judith Heumann
Department of Education

The Legal Landscape

Liz Savage & John Wodatch
Department of Justice

Technical Requirements and Assistance

Lawrence Roffee
The Access Board
(U. S. Architectural and
Transportation Barriers
Compliance Board)

Issue Identification

Paul Miller
U. S. Office of
Consumer Affairs

Open Forum

Full Group

Closing

Stanley S. Herr

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Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
002. list	List of Attendees; RE Personally Identifiable Information [partial] (1 page)	09/29/1994	b(6)

COLLECTION:

Clinton Presidential Records
Domestic Policy Council
Diana Fortuna
OA/Box Number: 12029

FOLDER TITLE:

[Federal Disabilities Accommodations Working Group] [loose]

2007-0143-F
db4499

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

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- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

LIST OF ATTENDEES
September 29, 1994

[002]

Lance Alworth

Kathleen Aterno

Susan Brumel

Benjamin Burrell

Andrea Dove

Reba Evans

Lila Farazian

Melvin Fowler

Caroline Gunney

Nelson Hallman? *EPA*

Andrea Hernan? *ATRAM*
(needed specimens)

Ida Hernandez

Judy Heumann

Jean Mahoney? *Ag Sub/Reba Evans*

(b)(6)

Howard Moses

Lawrence Roffee

Liz Savage

Cynthia Spires

Marilyn Thornton

Kenneth Tiktin

John Vail

Paul Virtue

John Vogel

Nancy Voss

Robert Williams

John Wodatch

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out dated list
(highlighted covered in new list)

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✓ ~~Jeremy Ben-Ami~~

✓ ~~Joyce Brown Moore~~

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✓ ~~Susan Brummett - CSEA~~

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