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MEETINGS / MEMOS

Divider Title: _____

FEDERAL DISABILITY ACCOMMODATIONS WORKING GROUP

Subgroups and revised analysis of departmental and agency reports

1) Employment and workplace accommodations issues:

- * alternative formats for job application materials (OPM, p.1)
- * automated referral programs for persons with disabilities, titled Project Able (Able Beneficiaries' Link to Employers) and the Job Ready Disabled Veterans Connection (OPM, p.2-3)
- * centralized funding for reasonable accommodations to remove a disincentive to hiring persons with disabilities (VA, p.1)
- * sign language interpreters -- grappling with quality, quantity, reimbursable agreements, and inter-agency sharing issues (DOT, p.1)
- * transportation-accessible vans & buses for events and training -- grappling with this issue (DOT, p.1)
- * monthly placement coordinator meetings addressing issues relating to employees with disabilities (DOT, p.1)
- * bi-monthly disability awareness workshops (DOT, p.1)
- * suggest disability awareness training become mandatory for all Federal managers and supervisors (DOE, p.2)
- * training programs to enable agencies to facilitate workshops (DOT, p.1)
- * DOT Coalition of Minorities, Women, and Disabled (DOT, p.1)
- * "The Employment of Persons with Disabilities" guide providing information on reasonable accommodations and an extensive list of resource agencies (HUD, p.1)
- * installation/reallocation of strobe lights as necessary for hearing-impaired employees (HUD, p.2)
- * TTY provision, interpreter services, modification of office furniture and specially designed strength machine installed in fitness center (HUD, p.2)
- * DOE obtained OMB authority in 1/93 for exemption from full-time equivalent (FTE) ceiling controls for hiring people with disabilities. Ceiling exemption hampered by OMB Bulletin No.93-08 (DOE, p.1)
- * National Defense Authorization Act for FY 1993 requires all Federal agencies to give full consideration to displaced Defense employees before selecting any candidate outside the agency -- propose act be amended/ central pool of FTE slots to allow hiring of candidates with disabilities (DOE, p.1-2)
- * flexible working hours (AB, p.1)
- * automated vibrating system as evacuation alert (DOC, p.2)
- * Affirmative Action Program Report for People with Disabilities submitted to Equal Employment Opportunity Commission (DOC, p.3)
- * program allowing each unit to set aside \$1500 and respond positively to requests for reasonable accommodations - recent examples of program use include zoom caps enlarging

- keyboard keys & voice activated computer (DOC, p.5)
- * review concluded for proposed statement of work for emergency/back-up reader and interpreter services (ED, p.1)
- * revision of fire safety evacuation plan focusing on areas such as audio and visual-warning systems, buddy systems, and evacuation training with fire officials (ED, p.2)
- * developing nationwide network amongst disability rights organizations and various centers to recruit highly qualified individuals with disabilities & disabled individuals of color (ED, p.2)
- * FTE pool allocated two slots for readers, interpreters and personal assistants - policy proposal under review for granting pool flexible authority to allow adequate coverage of all appropriate requests (ED, p.1)
- * reviewing accessibility accommodations in Dept.'s move to a windows-based LAN and electronic-mail system (ED, p.2)
- * voice-mail system improvements include accommodation of TDD equipment (ED, p.2)
- * ADD provides guidance to public & private sector on promotion and accommodations of persons with disabilities (HHS, p.1)
- * ASPER manages department-wide interpreter services contract (since 3/83) (HHS, p.1)
- * contracted with on-line gopher server to connect it to the internet (HHS, p.1)
- * ASPER, OS & ACF installed electronic bulletin boards accessible to employees nationwide posting up-to-date information on various personnel issues (HHS, p.1)
- * all Public Health Service agencies participate in Marriott Foundation's Bridges "transitions" program for young adults with disabilities (HHS, p.1)
- * HHS hosts biannual conference to exchange techniques for recruiting, hiring, promoting and accommodating employees with disabilities (HHS, p.2)
- * CED & ASPER Working Group on Career Mobility resulted in new department-wide approach that includes new recruitment and promotion strategies, mentoring program, & project ABLE [automated applicant referral system matching people with disabilities with Federal job opportunities] (HHS, pp.6-7)
- * OCR addressing accommodation issues 1) provision for interpreters for hearing impaired persons seeking medical attention 2)provision for modification of work schedules, job restructuring, and use of devices & equipment & 3)provision for physical accessibility (HHS, p.8)
- * addressing issue of provision of sign-language interpreter at all meetings and ceremonies (DOL, p.1)
- * addressing issue of provision of adequate telephone communications including TDD devices & how to ensure that all employees handling incoming calls are trained in its use (DOL, p.2)
- * responding to increasing number of requests to work at home and modified work schedules (DOL, p.2)

- * considering elimination of any "no animals" policies - agency has employees who use seeing-eye dogs (DOL, p.2)
- * evaluating when & where pictorial signs are needed (DOL, p.2)
- * having plans in place to evacuate safely (DOL, p.2)
- * addressing how to restructure existing work areas to ensure full accessibility (DOL, p.2)
- * provides training work sites for vocational rehabilitation & involves community groups to recruit employees (DOL, p.2)
- * DOL is member agency of JWOD Program to provide job opportunities for Americans who are blind or have other severe disabilities (DOL, p.5)

2) Building and other accessibility design issues:

- * updating UFAS standards to be consistent with ADA standards (GSA, p.1)
- * limited waivers or modifications of UFAS granted (GSA, p.2)
- * ongoing (to date) accessibility training program trained over 1,200 GSA employees - training also given to several Federal agencies (GSA, p.2)
- * all new design and construction projects will comply with a more stringent standard (whether UFAS or Title III ADA) (GSA, p.1)
- * all new construction and renovation projects to meet ADA and UFAS standards (EPA, p.1)
- * all elevators and some water fountains renovated to meet ADA or UFAS standards (HUD, p.1)
- * ADA-required signage, power door, ramp and private shower installation in some areas (HUD, p.1-2)
- * ramps, accessible control panels and bathrooms installed in Headquarters (EPA, p.1)
- * meet ADA requirements when leases renegotiated or renovations made in all buildings owned or leased by EPA (EPA, p.1)
- * small renovations undertaken solely for ADA accommodations (EPA, p.1)
- * all new laboratories designed to be adaptable for use by persons with disabilities (EPA, p.1)
- * urge all Federal agencies to adopt ADAAG as design standards for construction, leasing or alteration of Federal buildings/facilities (AB, p.2)
- * elevators modified, stairwells updated, rest rooms surveyed and/or installed, rails, braille signs, dual access door operators, TTYs, TDDs and sound amplification systems installed in various operating units (DOC, pp.1-3)
- * BEA and NOAA relocated to fully accessible buildings (DOC, p.1 & 3)
- * forthcoming report to confirm operating unit goals and accomplishments for facility accessibility (HHS, p.2)
- * addressing issue of maintaining fully accessible bathrooms (DOL, p.2)

3) Information, technology applications, and public accommodation issues (including government information in alternative formats):

- * special account for the purchase of adaptive technology to ensure that federal employees with disabilities have equivalent access to all information resources to do their jobs (VA, p.4)
- * over 20 accessible design publications available in large type, cassette tape, computer disc, and braille (AB, p.1)
- * press Federal agencies and Government Printing Office to produce materials in alternate formats (AB, p.2)
- * raising disability awareness issues to a higher priority (DOT, p.1)
- * ongoing classes "Introduction to American Sign Language and Deaf Culture" (DOT, p.1)
- * National disability awareness campaign at all agency levels -- guest speakers, videos, etc. (DOT, p.1)
- * TDD systems provided in Public Information Office (and at individual work stations (DOC, p.1)
- * recently released BEA data available in voice recorded messages (DOC, p.1)
- * Census Bureau accessible parking spaces established for visitors with disabilities (DOC, p.2)
- * TTY installed in Public Information Office (DOC, p.2)
- * Equal Employment Opportunity Office and Public Info. Office purchased decoders for close captioned videos (DOC, p.2)
- * Census' comprehensive disability survey (DOC, p.3)
- * Census' statistical brief addressing, in part, employment issues for those with disabilities (DOC, p.3)
- * applicant referral system for individuals with disabilities (DOC, p.5)
- * DOD established Computer/Electronic Accommodation Program (CAP) in '90 to provide adaptive devices for employees with disabilities. (DOE, p.1)
- * DOE's efforts decentralized - suggest program be expanded and coordinated - raises issues of expense (DOE, p.1-2)
- * currently considering establishment of central fund for adaptive devices and support services similar to DOD's CAP program - if approved will provide computer/electronic accommodations and reader/interpreting services (DOE, p.2)
- * wire splinter installed (materials purchased at hardware store) enabling interpreter to listen to & interpret calls (AB, p.1)
- * "The Information Infrastructure: Reaching Society's Goals." - First chapter addresses meeting needs of people with disabilities (DOC, p.3)
- * 6th annual Accessible Computer Technology exhibit (DOC, p.4)
- * free seminar focusing on advancing modality choice through captioning (DOC, p.4)
- * electronic hearing on issue of universal access to the National Information Infrastructure (DOC, p.5)
- * Office of Special Education and Rehabilitative Services

- contract established for braille services for departmental publications and documents through FY 1995 (ED, p.1)
- * developing policy for responding to requests for alternative formats (ED, p.2)
 - * any department information, announcement or document is provided in alternative format by request (HHS, p.1)
 - * addressing issue of provision of information in accessible formats (DOL, p.1)
 - * evaluating when necessary to acquire or upgrade equipment and how to keep pace with evolution of technology (DOL, p.2)
- 4) **Law compliance issues (relating to the Federal Government, its grantees, and contractors):**
- * See "Primer on disability Laws that Apply to the Federal Executive Agencies"
 - * promptly responding to accessibility complaints (number of complaints decreasing annually and cases being closed in less time thus reducing backlog) (GSA, p.2)
 - * revision of Real Property Management Manual to increase compliance with accessibility requirements (DOC, p.5)
 - * frequent reiteration by the Secretary of nondiscrimination and affirmative action policies for people with disabilities (VA, p. 3)
 - * 17% of all OCR investigated complaints in FY 1994 were disability-related employment issues (HHS, p.8)
 - * instituted new procedures for charges based on employment disability subject to Section 503 of Rehabilitation Act and the ADA (DOL, p.5)
 - * regulations issued to provide uniform procedures for implementing nondiscrimination provisions of Job Training Partnership Act (DOL, p.5)
 - * department obtained \$8,438,351 in financial awards for FY 1993 under Section 503 and the ADA. In addition, it obtained \$1,962,906 in other awards (accommodations/ training). Thus far, for the first three quarters of FY 1994, the agency has obtained \$3,070,935 with an additional \$1,574,523 in other awards (accommodations/ training). The OFCCP has conducted compliance reviews nationwide.

Revised October 5, 1994

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THE WHITE HOUSE
WASHINGTON

Meeting of Federal Disability Accomodations Working Group
September 29, 1994, 2:00 to 3:30, 472 OEOB

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

Accessibility Data Management Systems

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

Agency Reports

Howard Moses
Department of Education
and Full Group

Open Forum

Full Group

Next Steps and Closing

Stanley S. Herr



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SEP 27 1994

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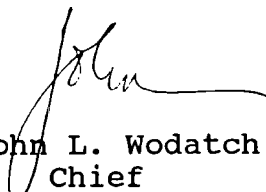
Dear Stan:

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.



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

THE ASSISTANT SECRETARY

TO : Stanley S. Hear *[Signature]*
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.

message 12-20-94
 otherwise [unclear]
 15

December 15, 1994

To:

Stan Herr
 John Wodatch

White House
 Justice

Fax 456-7028
 Fax 307-1198

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

Fax 272-5447

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

Dear Larry -- Have you and John worked this out on substance yet. My suggestions are intended for

style and language clarity. I would like to be able to send something like this

I have drafted language that the Domestic Policy Council could use to promote development of a better accessibility standard for use by the Federal Government. The language is very general and I think avoids the concerns expressed by John at the November 17 meeting.

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

please
 raise as
 you see fit.
 And re-contact
 me at your
 earliest convenience.

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.

These guidelines pertain to

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) in 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 quickly as possible proceed with rulemaking to ensure Federal accessibility design standards are state-of-the-art and hold federally funded entities to as high of design standards as is required under the ADA.

OPTIONAL FORM 99 (7-90)

FAX TRANSMITTAL

of pages 1

To	Larry Roffee	From	Stan Herr
Dept./Agency	Access Board	Phone #	456-5370
Fax #	456-5370	Fax #	457-7028

NSN 7540-01-317-7368 5099-101 GENERAL SERVICES ADMINISTRATION

272-5447

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)

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

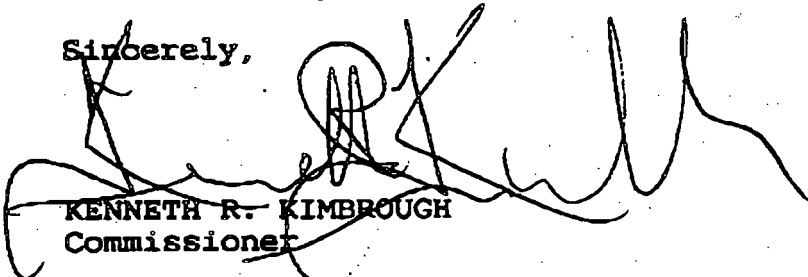
4. Describe briefly any other issues, accomplishments, and problems that your agency has noted that bear on the charge to this Working Group.

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 three 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)

1331 F Street, NW, Suite 1000, Washington, DC 20004-1111

202/272-5434 (Voice) • 202/272-5449 (TTY) • 202/272-5447 (FAX)

Technical Assistance: 800/872-2253 (Voice & TTY) • 800/993-2822 (TTY)

The Access Board produces or distributes the following publications. Single copies (regular print, braille [B], cassette [C], disk [5 1/4" DD floppy disk in ASCII format], or large type [LT]) are available at no cost. Circle the publication number (M41, for example) for a regular print copy or one of the letters (B, C, D, LT) for a single alternate format.* Clearly print your name and address in the space provided on the back of this form. Any publication may be photocopied or reprinted to use for nonprofit educational purposes.

The publications on this list may also be ordered through the Board's telephone or fax numbers as shown above. When you reach the automated switchboard, press 1 on your phone keypad to access the publications ordering menu. Allow three to five weeks for delivery.

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**

DATE:

PHONE: ()

NAME:

ORGANIZATION:

STREET ADDRESS:

CITY:

STATE:

ZIP:

22

ATTENTION COMPUTER USERS: To download publications, call the Access Board Bulletin Board Service (BBS) at 202/272-5448. The BBS receives calls 24 hours a day. To request technical assistance on using the BBS and downloading documents, call 202/272-5434, extension 7/36.

August 1994

- 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)

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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."

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Approved
Disapproved

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

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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.

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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", is positioned above the typed name.

Lila Farazian
Coordinator, Affirmative Employment
Program for People with Disabilities

Encl.



Printed with soy ink on recycled paper

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
reimbursable 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.

Meeting of Federal Disability Accommodation Working Group

August 18, 1994

2:00 p.m. to 3:30 p.m.

Room 472

SIGN-IN SHEET

NAME	AGENCY w/Phone #	AREAS OF EXPERTISE (e.g., Workplace Accommodations; Physical and Cognitive Accessibility; Alternative Formats, Accommodating Customers/Public, etc)
LARRY ROPPER John Wodatch	ATBCB 272-5434 Civil Rgts Div DOJ 307-2227	ACCESSIBLE DESIGN ADA
Ken Tiktin	DOF 366-5840	- DA Awareness
Jeremy Ben-Ami	DPC 456-5584	
Judy Hearn	DOE 305-5465	
Howard Moses	EO 205-5465	Accommodating Public
Nancy Voss	CNCs 606-5000 X309	
Don A. Smith	CFR 606-2825	Employing people w/ disabilities in Federal Service
Joe Javase	DOJ 514-4274	

SUB-GROUPS FOR THE FEDERAL DISABILITIES ACCOMMODATIONS
WORKING GROUP

(1) Employment and Workplace Accommodations

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

(2) Building and Other Accessibility Designs

John Cressman
Reba Evans
Mike Hancher
Larry Roffee (Coordinator)
Steve McCormick
John Vail

(3) Information Technology Applications and Public Accommodation

Susan Brummel (Coordinator)
Melvin Fowler
Fred Garcia
Kenneth Tiktin
Bob Williams

(4) Law Compliance

Deidre Davis
Paul Miller
Thea Spires
Marilyn Thornton
Shirley Wilcher
John Wodatch (Coordinator)

THE WHITE HOUSE

WASHINGTON

August 9, 1994

MEMORANDUM FOR DOMESTIC POLICY COUNCIL

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

SUBJECT: Meeting Notice for Disability Issues Working Group

On August 18th, the Disability Issues Working Group of the DPC will meet in Room 472 of the Old Executive Office Building, from 2:00-3:30. The charge to this working group is outlined in the attached memorandum of July 26th.

As noted in the reminder at yesterday's meeting of the DPC, if you have not yet designated someone from your department or agency to join this working group, please submit a name to Stanley Herr on my staff [phone: 456-5570 or fax: 456-7028]. If you wish that person to attend the initial meeting, please give Stan the person's date of birth for White House clearance.

EXECUTIVE OFFICE OF THE PRESIDENT

09-Aug-1994 11:52am

Dis. Admin ✓

TO: Stanley S. Herr

FROM: Carol H. Rasco
Economic and Domestic Policy

CC: Rosalyn A. Miller

SUBJECT: RE: meeting notice draft -- under your name or mine? pls. ad
SUBJECT: _____

a. We need to have another name for this specific group as this name sounds like they are going to be our disability policy group.

b. This particular notice should go from me but then in the future they can go from you. I will be adding a line that states something to the effect that the persons who have been named as designees will receive separate notices in addition to this memo to the Cabinet head. You should get out those notices....is this understandable?

Give us a suggested name...thanks.

EXECUTIVE OFFICE OF THE PRESIDENT

09-Aug-1994 12:11pm

TO: Carol H. Rasco

FROM: Stanley S. Herr
Domestic Policy Council

CC: Rosalyn A. Miller

SUBJECT: RE: meeting notice draft -- under your name or mine? pls. ad

vises
SUBJECT:

1. proposed name: Federal Disability Accommodations Working Group,
or Working Group on Disability Access in the Federal Government

take your pick -- the first one has the virtue of being more concise and captures the idea of accommodations by the federal government to employees, customers, and the general public.

2. Yes, I understood your message and am already in the process of a specific notice to the designated person. We're now up to 9 such persons, and I've spoken or left a message with their offices re the scheduled meeting.

(ATTACHMENT TO AUGUST 9 MEMORANDUM)

July 26, 1994

MEMORANDUM FOR DOMESTIC POLICY COUNCIL

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

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

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EXECUTIVE OFFICE OF THE PRESIDE
EXECUTIVE OFFICE OF THE PRESIDE

09-Aug-1994 07:05pm

TO: Stanley S. Herr
FROM: Rosalyn A. Miller
Economic and Domestic Policy
SUBJECT: This was sent out today

August 9, 1994

MEMORANDUM FOR DOMESTIC POLICY COUNCIL

FROM: Carol H. Rasco, Assistant to the President for
Domestic Policy
SUBJECT: Meeting Notice for Federal Disability Accommodations
Working Group

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2:00-3:30. The charge to this working group is outlined in the attach
memorandum of July 26th.

As noted in the reminder at yesterday's meeting of the DPC, if you hav
not yet designated someone from your department or agency to join this
working group, please have your staff submit a name to Stanley Herr on
my staff [phone: 456-5570 or fax: 456-7028]. If that person will be
attending the initial meeting, please also have the person's date of
birth sent to Stan.

Department representatives already designated have been personally
notified of the meeting on August 18.

Thank you.

MEMORANDUM FOR DOMESTIC POLICY COUNCIL

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

SUBJECT: Meeting Notice for Disability Issues Working Group

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Marvin C. Fowler
Dept. of the
Interior

202 208 3455

Application of Federal Disability Rights laws & policies

Andrea Dove
Dept. of Education

205/5465

Elgie Holstein

456-2800 NEC

JOHN VOGEL

(202) 273-6761

VA RESOURCES: large medical rehabilitation services and vocational rehabilitation of disabled veterans.

IDA MEMBERSHIP

202-622-1500

Director, Maryland Dept. of Treasury
 1000 E. Pratt St. Baltimore, Maryland
 and Maryland State Archives

THORW
BARKER

632-1215

WH AIDS Policy
Workplace issues;
housing; medical care

Lin Fornazin	Dept. of Energy 586-4494 TDD 586-5654	personnel management issues, recruitment/employment/ funding for reasonable accommodation
Pam Stenhill	OCA 395-7900 fax 395-7901	
Pat haird	HHS/ADD 690-7447	
Kathy Atero	EPA 260-4600 260-0825 FAX	
B. BURRELL	DOJ 616-2995 307-1915 FAX	Director Facilities and Admin Services Justice Dept Division
Pam Pelcovits	DOT 366-5981 366-9371 FAX	ADA enforcement by DOT, sec 504 compliance, regulatory affairs
Shirley Wilcher	DOL - OFCCP 219-9475 219-6195	Enforces Section 503, ADA Title I (with EEOC)
THEA SPIRES	HMD 708-2426	Fair Housing Law, 504, Reasonable Accommod. Psychiatric Label issues
Joyce Justus	OSTP - 456-6129	

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MINUTES

Divider Title: _____

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.

Prior report
September 22, 1994

Memorandum For Stanley S. Herr

From: Carolyn Gunney

Subject: Commerce Activities in Support of Americans with Disabilities Act of 1990

Commerce is actively engaged in activities to support the Americans with Disabilities Act (ADA)

- Commerce's National Institute of Standards and Technology (NIST), the government's preeminent civilian industrial technology laboratory, is conducting research in several areas which will benefit Americans with disabilities.
 - Under a Cooperative Research and Development Agreement with United Technologies' Otis Elevator, NIST is working to develop fire safe elevators to be available to evacuate disabled individuals in emergency situations.
 - NIST is also working with the Veterans Administration on hearing aid testing, and is further working to improve artificial hips and other medical prosthesis.
 - Finally, NIST is working to develop improved robotic actuators to mechanically perform certain functions for disabled individuals.
- Commerce's Bureau of the Census has 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 report found that only about half of persons aged 15 to 64 with a severe disability had private health insurance compared with 80 percent of persons with no disability.
 - The report also found that an estimated 34.2 million Americans 15 years of age or older had difficulty performing one or more of six functional activities (seeing, hearing, speaking, lifting and carrying, walking, and climbing stairs.)

In addition, Commerce is an active participant in the United States Architectural and Transportation Barriers Compliance Board working to develop accessibility guidelines for ADA implementation. Commerce serves on the Board's Executive Committee and is a member of the Board's Recreation Access and Children's Environments Rulemaking Committees.

In addition to the above accomplishments, Commerce will be participating in an interagency exhibit and seminar on October 5 and 6, 1994. This exhibit will teach the public about assistive technology for people with vision, hearing, and mobility impairments. The keynote speaker for this event will be the Secretary of Commerce, Ronald H. Brown. A flyer is attached.

Also, I am attaching a section from the Commerce report entitled "Affirmative Action Program For People With Disabilities". This data will provide additional information on what Commerce is doing, agency by agency, to accommodate people with disabilities.

If any additional information is needed or if I can be of further assistance prior to the September 29 meeting, please let me know.

Attachments

GET IN THE ACT!

Interagency Accessible Computer Technology (ACT VII) Exhibit October 5 & 6, 1994

We invite you to this free exhibit of state-of-the-art technologies and services which will show you what will be in your technology future. You will learn about assistive technology for those with vision, hearing and mobility impairments. Also, GSA will offer a free seminar: National Information Infrastructure: Electronic Access For All. Come join us!

Keynote Speaker: Secretary Ronald H. Brown
Opening Ceremony - October 5, 9:30 a.m.
Department of Commerce Auditorium

Place:

The U.S. Department of Commerce
Herbert C. Hoover Building
Main Lobby
14th and Constitution Avenue, N.W.
Washington, D.C.

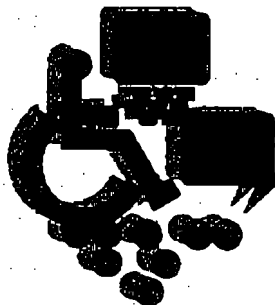
Time:

October 5, 1994
9:30 a.m.- 4:00 p.m.

October 6, 1994
9:00 a.m.- 2:00 p.m.

The Hoover Building is located two blocks west of the Federal Triangle Metro Station and is accessible to wheelchair-users from the Aquarium entrance on 14th Street.

To register your attendance and get more information, call the ACT hotline on 202-326-2622.
For TTY/TDD call 202-482-4675.



Sponsored by:

Department of Commerce
Department of Defense
Department of Energy
General Services
Administration
Department of Housing and
Urban Development
Office of Personnel
Management

Department of Veterans
Affairs
Department of the Treasury
Department of Education
Environmental Protection
Agency
Department of Health and
Human Services
Department of the Interior
Department of Transportation



October is National Disability Employment Awareness Month



REPORT ON FACILITY ACCESSIBILITY
DESCRIBE YOUR AGENCY'S BARRIER REMOVAL ACTIVITIES DURING THE REPORTING YEAR.

OFFICE OF THE SECRETARY

SUMMARIZE YOUR AGENCY'S BARRIER REMOVAL ACTIVITY.

Three sets of brass rails were installed at entrance steps, one at the 15th Street entrance and two sets at the south courtyard steps.

The braille elevator emergency procedures signage has been completed in all elevators.

Completed a survey of the HCHB to determine the number of rest rooms needing modification to be made accessible.

IS GSA PROVIDING ASSISTANCE WITH BARRIER REMOVAL?

☒ (X) NOT APPLICABLE

☐ () YES

☐ () NO

The management of the Herbert C. Hoover Building has been delegated to the Department of Commerce. GSA may initiate activity on its own in the area of facility accessibility, but nothing was undertaken in FY 93.

DESCRIBE ANY DIFFICULTIES THAT HAVE BEEN ENCOUNTERED IN ATTEMPTING TO REMOVE BARRIERS THAT REMAIN IN AGENCY FACILITIES?

None.

DESCRIBE ACTIONS BEING TAKEN TO OVERCOME DIFFICULTIES DESCRIBED IN ITEM "C" ABOVE.

No actions required.

INSUB BUREAU

SUMMARIZE YOUR AGENCY'S BARRIER REMOVAL ACTIVITIES.

Established permanent accessible parking spaces for visitors with disabilities in front of buildings 3 and 4.

Requested the procurement and installation of four electronic opening devices for FB 3 and FB 4 rest rooms.

Requested the installation of automatic light activating devices in accessible rest rooms for people with disabilities. The light devices will be at heights that are responsive to persons with physical challenges.

REPORT ON FACILITY ACCESSIBILITY
DESCRIBE AGENCY'S BARRIER REMOVAL ACTIVITIES DURING THE REPORTING YEAR.

US BUREAU (continued)

Requested accessible drinking fountains near the accessible rest rooms for persons using wheelchairs.

Posted a directional sign at the main entry gate, Suitland, Maryland for persons with physical disabilities to obtain assistance with visitors' passes and parking permits. Designated a reserved parking space so occupant(s) can remain in the car until assistance is provided at the vehicle door.

The Public Information Office installed a TTY to receive requests for information or products. The TTY number is advertised on all press releases.

The Equal Employment Opportunity Office and Public Information Office purchased decoders to provide close captioned videos for persons who are deaf or hard-of-hearing.

Installed accessible rest rooms for people with disabilities, including showers in building 75 exercise facility, Jeffersonville.

Repaired accessible ramp in Building 66, Jeffersonville.

Constructed dual access door operators at seven locations, Jeffersonville.

Installed TTYs and direction signs in all of the regional offices and telephone centers.

IS GSA PROVIDING ASSISTANCE WITH BARRIER REMOVAL?

() NOT APPLICABLE

(X) YES

() NO

DESCRIBE ANY DIFFICULTIES THAT HAVE BEEN ENCOUNTERED IN ATTEMPTING TO REMOVE BARRIERS THAT REMAIN IN AGENCY FACILITIES.

Not applicable

DESCRIBE ACTIONS BEING TAKEN TO OVERCOME DIFFICULTIES DESCRIBED IN ITEM "C" ABOVE.

Not applicable

P.06

CALIFORNIA TASK FORCE 202

SEP-22-1994 15:39

REPORT ON FACILITY ACCESSIBILITY
DESCRIBE YOUR AGENCY'S BARRIER REMOVAL ACTIVITIES DURING THE REPORTING YEAR.

NATIONAL INSTITUTE OF STANDARDS

SUMMARIZE YOUR AGENCY'S BARRIER REMOVAL ACTIVITY.

Cherbourg

Installed automatic door closer on rest room doors in the general purpose laboratories.

Completed design for modification of rest rooms in building 202 to accommodate people with disabilities.

Added drinking fountains throughout the site to accommodate people with disabilities.

Installed accessible ramps at entrance to day care center. (Note: this was not indicated in FY 93 Plan.)

Installed sound amplification system in the red auditorium for people who are hard of hearing.

Under

Modified two rest rooms in building 2 to accommodate people with disabilities.

Modified two rest rooms in building 24 to accommodate people with disabilities.

Added drinking fountains throughout the site to accommodate people with disabilities.

IS GSA PROVIDING ASSISTANCE WITH BARRIER REMOVAL?

() NOT APPLICABLE () YES (X) NO; DESCRIBE

We own and manage our facilities.

DESCRIBE ANY DIFFICULTIES THAT HAVE BEEN ENCOUNTERED IN ATTEMPTING TO REMOVE BARRIERS THAT REMAIN IN AGENCY FACILITIES.

N/A

DESCRIBE ACTIONS BEING TAKEN TO OVERCOME DIFFICULTIES DESCRIBED IN ITEM "C" ABOVE.

N/A

REPORT ON FACILITY ACCESSIBILITY
DESCRIBE YOUR AGENCY'S BARRIER REMOVAL ACTIVITIES DURING THE REPORTING YEAR.

PATENT AND TRADEMARK OFFICE

SUMMARIZE YOUR AGENCY'S BARRIER REMOVAL ACTIVITY.

Provided four additional accessible parking spaces in Crystal Mall 1 and 2.

Established smoke-free offices for managers and supervisors in Crystal Plaza 6.

Established smoke-free G-1 level parking in Crystal Plaza 3 and 4.

Rest rooms and stairwell doors in Crystal Mall 1 and 2 were updated to comply with the Americans with Disabilities Act.

The Public Search Room and rest rooms in Crystal Plaza 3 and 4 were brought into compliance with the Americans with Disabilities Act.

Elevators in Crystal Plaza 3 were brought into compliance with the American with Disabilities Act.

Rest rooms and suite entry doors throughout Crystal Plaza 6 were brought into compliance with the Americans with Disabilities Act.

IS GSA PROVIDING ASSISTANCE WITH BARRIER REMOVAL?

() NOT APPLICABLE

(X) YES

() NO: DESCRIBE

DESCRIBE ANY DIFFICULTIES THAT HAVE BEEN ENCOUNTERED IN ATTEMPTING TO REMOVE BARRIERS THAT REMAIN IN AGENCY FACILITIES.

No difficulties were encountered.

DESCRIBE ACTIONS BEING TAKEN TO OVERCOME DIFFICULTIES DESCRIBED IN ITEM "C" ABOVE.

No applicable.

REPORT ON FACILITY ACCESSIBILITY
DESCRIBE YOUR AGENCY'S BARRIER REMOVAL ACTIVITIES DURING THE REPORTING YEAR.

NATIONAL TECHNICAL INFORMATION SERVICE

SUMMARIZE YOUR AGENCY'S BARRIER REMOVAL ACTIVITY.

The second floor of the Sills Building is not accessible to persons with mobility impairments. An elevator needs to be installed. Also, the main entrance needs to be accessible to persons with mobility impairments. NTIS is locating new space to lease. In the solicitation process, proper access for individuals with disabilities will be a requirement.

IS GSA PROVIDING ASSISTANCE WITH BARRIER REMOVAL?

() NOT APPLICABLE (X) YES () NO; DESCRIBE

Yes. GSA is assisting NTIS in the search for new space.

DESCRIBE ANY DIFFICULTIES THAT HAVE BEEN ENCOUNTERED IN ATTEMPTING TO REMOVE BARRIERS THAT REMAIN IN AGENCY FACILITIES?

NTIS offices are located in privately owned buildings.

DESCRIBE ACTIONS BEING TAKEN TO OVERCOME DIFFICULTIES DESCRIBED IN ITEM "C" ABOVE.

Any difficulties are resolved through lease negotiations.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

SUMMARIZE YOUR AGENCY'S BARRIER REMOVAL ACTIVITIES.

NOAA relocated to newly constructed buildings in Silver Spring, Maryland. These buildings meet all GSA requirements. The Civil Rights Division, Facilities Division and NOAA Safety Officer coordinate barrier removal activity.

NOAA is negotiating for a new building site in Boulder. The new building will meet facility accessibility requirements.

The NMFS Alaska Region provided parking spaces accessible to persons with mobility impairments. Renovated bathroom facilities to improved accessibility.

The NMFS Northwest Region provided electric doors for the main entrance of the main building and for the cafeteria.

The NMFS Southwest Region, La Jolla Laboratory, designated accessible parking spaces for visitors with disabilities and installed more signs to direct visitors with disabilities to elevators.

REPORT ON FACILITY ACCESSIBILITY
FEDERAL AGENCY'S BARRIER REMOVAL ACTIVITIES DURING THE REPORTING YEAR.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (continued)

The Honolulu Laboratory of the Southwest Region renovated rest rooms to improve accessibility for persons with disabilities.

The NMFS Southeast Region, Pascagoula Laboratory, built a ramp to improve accessibility for people with disabilities. The ramp was constructed at the rear entrance of the main building.

The Beaufort Laboratory at the Southeast Region remodeled its bathroom facilities, added accessible parking, changed door closures, and installed headsets for the hearing impaired.

IS GSA PROVIDING ASSISTANCE WITH BARRIER REMOVAL?

(X) NOT APPLICABLE () YES ()

IS GSA PROVIDING ASSISTANCE WITH BARRIER REMOVAL?

[X] NOT APPLICABLE [] YES [] NO; DESCRIBE

DESCRIBE ANY DIFFICULTIES THAT HAVE BEEN ENCOUNTERED IN ATTEMPTING TO REMOVE BARRIERS THAT REMAIN IN AGENCY FACILITIES.

- Specific actions are taken to remedy barriers as they are identified.
- In Boulder, Colorado, the Environmental Research Laboratories are located in buildings owned by the University of Colorado.
- None of the physical barriers at the Atlantic Marine Center (AMC) were eliminated this year due to budget limitations and to the NOAA office of Administrations's reluctance to provide funds from the Capital Improvement Program because of the possible relocation of the AMC.
- At the Aircraft Operations Center (AOC), age and construction of the building are major barriers to providing access to people with disabilities beyond the first floor.

DESCRIBE ACTIONS BEING TAKEN TO OVERCOME DIFFICULTIES DESCRIBED IN ITEM "C" ABOVE.

Inform the University of Colorado of barriers to people with disabilities identified in the Environmental Research Laboratories and advise them of their accessibility responsibility.

REPORT ON FACILITY ACCESSIBILITY
DESCRIBE YOUR AGENCY'S BARRIER REMOVAL ACTIVITIES DURING THE REPORTING YEAR.

BUREAU OF ECONOMIC ANALYSIS

SUMMARIZE YOUR AGENCY'S BARRIER REMOVAL ACTIVITY.

Relocate the Bureau of Economic Analysis (BEA) to a fully accessible facility which would accommodate people with disabilities. BEA relocated to a new facility in August 1993. The facility is located at 1441 L Street, N.W. All plans and acquisition documents incorporated GSA requirements for accessibility to persons with disabilities.

IS GSA PROVIDING ASSISTANCE WITH BARRIER REMOVAL?

☒ NOT APPLICABLE ☐ YES ☐ NO; DESCRIBE

DESCRIBE ANY DIFFICULTIES THAT HAVE BEEN ENCOUNTERED IN ATTEMPTING TO REMOVE BARRIERS THAT REMAIN IN AGENCY FACILITIES.

Not Applicable.

DESCRIBE ACTIONS BEING TAKEN TO OVERCOME DIFFICULTIES DESCRIBED IN ITEM "C" ABOVE.

Not Applicable.

P.11

CALIFORNIA TASK FORCE 202

SEP-22-1994 15:41

AGENCY INITIATIVES AND NOTEWORTHY ACCOMPLISHMENTS

The Department of Commerce continued efforts that responded to the spirit and the letter of the Federal Disability Program during FY 1993. All efforts reflected the Department's commitment to increase and improve employment opportunities for people with disabilities; to remove barriers to Commerce facilities; and to fully participate in Commerce programs and activities.

The value of sensitivity and awareness training, especially the course entitled "Windmills", became more prominent. Some operating units prepared their own employees to become "Windmills" trainers. Also, sign language training was made available more often to interested employees in order to increase communication between employees who use sign language and employees who hear.

Below are some of our more notable accomplishments listed by operating unit.

OFFICE OF THE SECRETARY

Held the Fifth Annual Accessible Computer Technology (ACT V) exhibit featuring state-of-the-art computer technology that accommodates people with disabilities. ACT V showcased computer technology designed to assist people with disabilities in performing successfully in the work place.

Made revisions in the Real Property Management Manual to increase compliance with accessibility requirements in Commerce's facilities leasing program. The revised provision encourages Commerce leasing officials to exceed the minimum accessibility requirements. This revision should help reduce physical barriers for persons with disabilities to Commerce programs and activities.

Entered into a Department-wide Cooperative Education Agreement with Gallaudet University. The agreement allows Commerce operating units to employ Gallaudet University students in cooperative arrangements without additional modifications to the agreement. The agreement, along with a memorandum encouraging organizations to take advantage of this opportunity to provide work experiences to students at Gallaudet University, was sent to all personnel offices.

Entered into a Student Volunteer Service Agreement with the Montgomery County Public Schools' (MCPS) School-to-Work Transition Program. This program works with private and public organizations to provide training and employment for high school students with disabilities. The Department provides students with disabilities the opportunity to learn new skills and gain

AGENCY INITIATIVES AND NOTEWORTHY ACCOMPLISHMENTS

OFFICE OF THE SECRETARY (continued)

work experiences. The MCPS provides job coaches at the work site to observe the students. The coaches also work with the Department to identify job accommodations needed by the students.

BUREAU OF THE CENSUS

Provided "Windmills Train the Trainer Course" on disability awareness and sensitivity for three employees to increase training resources available to address disability issues. These employees will offer such training to supervisors as one method for addressing attitudinal barriers to the employment and advancement of people with disabilities.

Provided employees who are deaf or hard-of-hearing an opportunity to obtain an automated vibrating system that alerts them to situations requiring immediate evacuation.

Hired two blind interviewers and installed the Job Access with Speech (JAWS) program on their computers. This program reads the computer screen and reports (communicates orally) to the interviewer so an interview can be conducted.

INTERNATIONAL TRADE ADMINISTRATION

Established a reasonable accommodation fund and designated a special accommodation assistant to manage reasonable accommodation requests. In addition to eliminating concerns associated with the cost of providing accommodations, this fund has increased managers' willingness to hire more qualified individuals with disabilities.

NATIONAL OCEAN ATMOSPHERIC ADMINISTRATION

Sponsored a disability awareness workshop for employees, supervisors and managers in the Silver Spring Metro complex entitled "Disability Awareness on the Job: Language and Etiquette Issues in the Work Place." Assistive computer technology for people with disabilities was also demonstrated.

Conducted disability awareness training entitled "Tilting at Windmills" for managers, supervisors and employees to increase awareness and levels of sensitivity. The training provided perspectives on views and treatment of people with disabilities in the work force.

**AGENCY INITIATIVES AND
NOTEWORTHY ACCOMPLISHMENTS****NATIONAL OCEAN ATMOSPHERIC ADMINISTRATION (continued)**

Co-sponsored a Disability Job Information Fair for the local community at the Western Administrative Support Center in Seattle, Washington.

PATENT AND TRADEMARK OFFICE

Developed an applicant referral system for individuals with disabilities and veterans eligible for veterans readjustment appointments. This system has markedly increased applicant referral for individuals with disabilities and veterans, thus enhancing opportunity for placement. Applicants are referred to selecting officials for vacancies for which they qualify.

Developed desk guides to increase personnel specialists' knowledge of the Selective Placement Program and vocational rehabilitation program. The desk guides provide regulatory references and step-by-step procedures for hiring individuals under the selective placement program.

Established training agreements with Rochester Institute of Technology, National Technical Institute of the Deaf and Gallaudet University. These agreements will enable the agency to hire college and university students with disabilities and prepare them for careers at the Patent and Trademark Office.

Continued to acquire and distribute TTYS. TTYS were installed in over twenty (20) offices throughout the agency. The telephone numbers were published in PTO's external literature and submitted to the Department of Commerce for listing in the Departmental telephone directory. Conducted demonstrations regarding the use of TTYS for management officials and other employees.

OFFICE OF THE SECRETARY

~~UNITED STATES GOVERNMENT~~
DEPARTMENT OF COMMERCE

14th & Constitution Avenue, NW, Room 5415
Washington, DC 20230

Phone: 202/501-5032 482-2779
Fax: 202/501-5123

TO: Stan Herr

FROM: Carolyn GUNNEY

FAX NO: 456-7028

NUMBER OF PAGES (INCLUDING COVER SHEET) 14

MESSAGE _____

Clinton Presidential Records Digital Records Marker

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ACCOMMODATIONS REPORTS

Divider Title: _____

MEMORANDUM TO STAN HERR, Domestic Policy [Fax: (202) 456-7028]**FROM:** Paul Steven Miller *PSM***DATE:** August 18, 1994**SUBJECT:** Federal Disability Accommodations Working Group [*Not for Distribution*]Issue Identification for the Working Group

- Federal Government Setting the Example and Standard for Accessibility and Workplace Accommodation
 - Federal government should be a model employer and set the example for state and private employers who often are intimidated by people with disabilities in the workplace -- *the Federal government is complying and compliance works*
 - How can the Federal government vigorously enforce the laws against state, local and private entities, if it does not comply?

Subtext
discrimination
employment in Fed
Govt at home
sector - private
responsibility
TF only part
process program
full working up
where

Conduct Critical Evaluation for Change in Policies -- General and Quick Internal Audit of Individual Agencies -- move for fast completion to get a snapshot of where we are

- Where are the agencies on accessibility and workplace accommodation issues
- Examples of Issues to Examine
 - eliminating disincentives to hiring persons with disabilities
 - use and availability of assistive technology
 - providing information in alternative formats, i.e., large print, tapes, braille, etc.
 - other factors to consider for persons with disabilities as co-worker and as customer

Instituting and Expanding Programs for Sharing Information and Resources Across the Federal Government (*pooled resources* *re Tech/Interpreter*)

- Each Member of the Working Group Receives an Assignment *connector* *Shirley*
- Ultimately Prepare Report for Instituting Change -- *fold in* to the Civil rights Working Group Being Staffed by Christopher Edley (OMB) and Deval Patrick (Justice - Civil Rights)

10/22/94
Goodman
Fed Govt has
potential
def.

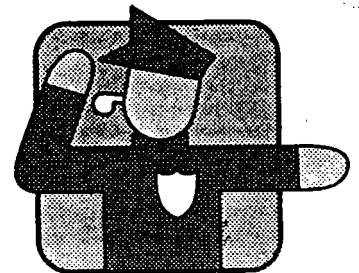
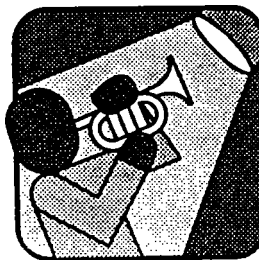
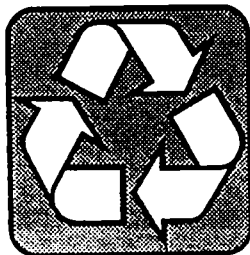
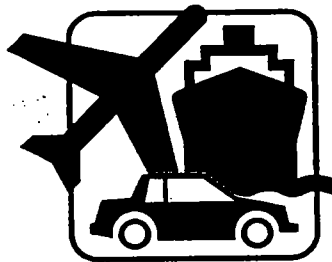
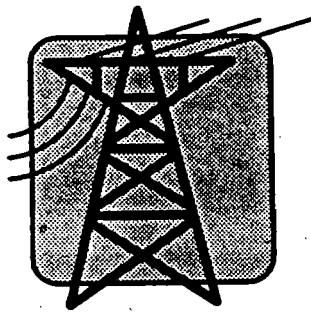
10/22/94
move forward
to identify
those issues
Q: Centralized
Accommodation
Office.

Henry Roberts

Federal Interagency Council

The Information Infrastructure: Reaching Society's Goals

Report of the Information
Infrastructure Task Force
Committee on Applications
and Technology



NIST

U.S. DEPARTMENT OF COMMERCE

Technology Administration

National Institute of
Standards and Technology

This paper is intended for public comment and discussion. Your comments can be sent to any of the following addresses:

Post: Committee on Applications and Technology
National Institute of Standards and Technology
Building 415, Room 102
Gaithersburg, MD 20899

Phone: (301) 975-4529

FAX: (301) 948-7242

Email: cat_exec@nist.gov



THE SECRETARY OF COMMERCE
Washington, D.C. 20230

Dear Colleague:

By working with Americans in many walks of life, the Clinton Administration is developing a broad vision of an advanced information infrastructure. As an interconnection of computer networks, telecommunications services, and applications, the National Information Infrastructure (NII) can make a difference not just in how people work but in how well they live. This document explores some of the benefits and barriers to how people and organizations will use the NII.

Last May, the Administration released "Putting the Information Infrastructure to Work," which explored applications of the NII in several important areas. The report, released as a draft for public comment, has been successful in drawing input from industry, educators, governmental agencies, and the general public.

We are releasing a second group of papers as a draft for public comment. This set of papers examines eight areas in which NII applications can enhance the quality of life. Specifically, they address how an advanced information infrastructure applies to people with disabilities, electrical power, transportation, telecommuting, emergency management, arts and humanities, public safety, and environmental information.

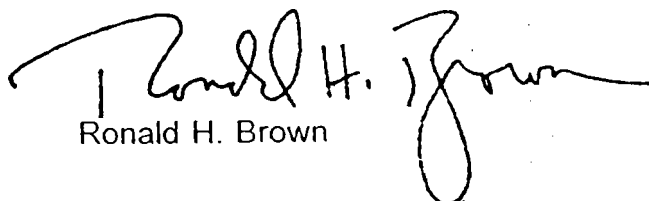
This report was prepared by the Committee on Applications and Technology of the Information Infrastructure Task Force. The Committee is charged with coordinating Administration efforts to:

- develop, demonstrate, and promote applications of information technology in numerous application areas, including, but not limited to, manufacturing, electronic commerce, education, health care, government services, libraries, environmental monitoring, and those addressed in this document; and
- develop and recommend technology strategies and policy to accelerate the implementation of the NII.

We invite you to comment on the papers by responding to the questions they pose and raising other issues relevant to the application areas. Your response will illuminate and guide government policies and investments to accelerate NII applications.

We look forward to hearing from you.

Sincerely,


Ronald H. Brown

NIST Special Publication 868

The Information Infrastructure: Reaching Society's Goals

A Report of the Information Infrastructure Task Force Committee on Applications and Technology

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Introduction

DRAFT FOR PUBLIC COMMENT

PART I: Introduction

This document is the second volume of papers in which the Information Infrastructure Task Force has attempted to articulate in clear terms, with sufficient detail, how improvements in the National Information Infrastructure can help us meet other social goals. These are not plans to be enacted, but the material with which the citizens and their elected government may have a structured conversation, a purposeful interaction and deliberation on the issues raised in the evolution of more capable means of information processing and human communications. At the highest levels of rhetoric and abstraction it is not necessary to reconcile opposing values like freedom and equality. But working out the details of how new communications media will be introduced involves some crucial choices on matters that have historically been the intellectual underpinnings of our democratic society: What is the proper balance between individual liberty and the functioning of social and political institutions like governments, businesses, and associations? How may citizens maintain a sphere in which their private actions are revealed to no one, while deriving the benefits of technological systems whose healthy functioning requires that demand and usage be anticipated, measured and controlled? How can we ensure that the chorus of our community includes the voices of everyone?

Our first volume, titled *Putting the Information Infrastructure to Work*, discussed NII applications in the areas of education and lifelong learning, health care, libraries, manufacturing, electronic commerce, environmental monitoring, and government service delivery. The chapters of this volume help define a national vision for how advanced

communications and computing technologies can:

- enable Americans with disabilities to achieve full citizenship in our society
- improve the production, consumption, and management of our energy resources
- increase the safety and efficiency of our transportation system
- allow greater flexibility and worker satisfaction through telecommuting
- save lives and property in times of large-scale emergencies and natural disasters
- empower citizen action to maintain a clean environment
- ensure that nonprofit cultural institutions maintain their position on the front lines of popular creativity and expression
- further educate and better inform both citizens and the agencies they rely upon to maintain public safety

We raise these issues in part to render them accessible to the broadest number of Americans. Yet, their identification as public decisions serves another purpose. Some of the benefits of an improved information infrastructure are public goods that, like air and water, must be maintained collectively by the community at large in order that each of us may share them. Much of the evolution of the National Information Infrastructure will be driven by private investment decisions on new network capabilities or individual consumer spending decisions on new

access devices people may want to buy. But there are also crucial components to an infrastructure that we can only establish and maintain as a community, not merely as a collection of individuals.

PART II: Issues Common to all of the Application Papers

Not surprisingly, many of the same themes that emerged from our first volume of papers continue to be expressed in this volume. However, with a different set of examples some of these themes take on new meaning in their new context.

Equity of Access

The most urgent requirement that these papers express is that no one's ability to be a full citizen in our republic can be lessened by technological change. Equity of access here is broadened in two ways. It includes not just fully abled citizens but also Americans who are experiencing either temporary or permanent loss of one of their senses or who are mobility impaired. Almost a fifth of the U.S. population is disabled in some way, and that number will increase as the number of older Americans increases. America cannot afford to marginalize the contribution these citizens have to make to our collective enterprise. How can the NII be used to compensate for, rather than exacerbate, the gap between the abled and the disabled, so that one's standing as a citizen is not affected by the strength of one's eyes or ears or legs? Equity of access also means inclusion of America's thriving and vibrant private associations alongside profit-making organizations and public institutions. While we often organize ourselves in groups to engage in profit-making activities, much of what we do is through our associations and voluntary activities. This is especially true in the area of arts and culture, and will have a great impact upon the content available with an improved NII. An improved NII must enhance the ability of many people to engage in creative endeavors: to be writers, artists, performers, and historians. How can we ensure that the ability to express ourselves is not limited only to the small portion of the population who are able to earn

their living as artists and performers? What actions must we take to extend the capacity for expression?

Technologically Robust Architecture

All of the papers here contribute to a broadened understanding of what the NII can be. These papers go well beyond the narrow conception of the NII as a means by which people can have more choices of what to watch on television. A more intelligent management of our energy resources, for example, could be enhanced if the information infrastructure allowed energy production and storage to be decentralized. The onboard display of vehicle location in conjunction with current road conditions could reduce the amount of time people spend in transit. And remote work locations could reduce the distance they have to travel as well. None of these application areas will be able to develop if we build a specialized infrastructure whose exclusive purpose is to deliver more entertainment on television. They require full connectivity at many different points on the network, and interoperability between networks and services. What is the most thoughtful implementation, especially of the emerging wireless communications infrastructure, that can facilitate these public purposes? How can we ensure that capabilities that can improve the quality of our lives evolve along with the sorts of services that offer more immediate, short term commercial reward?

Diversity of Content

Just as no technology or social strata of our society should be able to dominate what is pictured here as a shared, common set of capabilities for information processing and communication, no one part of our society should have exclusive control over what gets communicated. A system designed exclusively around the dynamics of commercial exchange risks leaving out significant parts of our cultural heritage, producing a society in which we had bookstores in which to buy but no libraries from which to borrow. How can the creation and dissemination of messages be as widespread as their receipt and consumption? How can we

ensure that the richness of the message content is as diverse as our population?

Safety in our Homes and Protection of our Neighborhoods

More than ever, citizens are aware of the work of the public officials who run the criminal justice and transportation systems on our behalf. The NII can facilitate community-based policing and other means by which the concerns of the professionals who serve us may be shared with the citizenry at large. How can we partially recover the long-lost protection against aggression that small towns and word-of-mouth once offered? How can the disparate community of agencies who must respond to emergencies and disasters best coordinate their efforts and solicit our energies? Citizens, armed with information, are also becoming a very potent ally of the agencies charged with environmental protection. Their ability to monitor and call attention to pollution greatly strengthens the fight against environmental degradation. How can we harness environmental consciousness so that people know how to act to protect their homes and communities?

Citizen Control over Private Information

Citizen control over private information is essential if the benefits of an improved NII are to outweigh the costs. If people fear that traffic or energy control systems will be misused as tools of surveillance then they will never be implemented and the efficiencies they offer never realized. And yet, there are cases in which the authorized release of government-held private information can be of tremendous benefit to the citizens concerned, as when a disaster has left them without a home or the ownership records it contained. The information contained in police records is also highly sensitive. How can we be sure that careful auditing of those with access to these systems and the information they authorize for release accompanies widespread implementation of distributed information systems?

PART III: Conclusions

A successful consultation between citizens and their public officials requires not just the accurate expression of the problems to be solved, but the solicitation of advice on solutions, and active listening to the responses. We hope that this document is widely read by people concerned about these specific areas of public policy and with the improvement of the National Information Infrastructure, as well as those concerned more broadly with our historic commitment to democratic values. We believe that widespread access to advanced communications technologies can be as enlightening as was the arrival of the electric light, and as empowering as the nation's vast and meticulously maintained power grid. But as technologies they are merely facilitative. Only the application of these technologies as tools for solving social problems can translate technological innovation into social evolution.

People with Disabilities and NII: Breaking Down Barriers, Building Choice

DRAFT FOR PUBLIC COMMENT

In a competitive global economy, our country does not have a single person to waste — opportunity must be open to everyone... I believe our entire nation will share in the economic and social benefits that will result from full participation of Americans with disabilities in our society.

- President Clinton, 12/1/92

PART I: What Is the Application Arena?

On September 15, 1993, the Administration issued "The National Information Infrastructure(NII): Agenda for Action," which formalized several federal NII policy development mechanisms and enumerated the guiding principles and goals for future policy development. A portion of the vision is as follows:

A major objective in developing the NII will be to extend the Universal Service concept to the information needs of fundamental fairness, this nation cannot accept a division of our people among telecommunications or information "haves" and "have-nots". The Administration is committed to developing a broad, modern concept of Universal Service — one that would emphasize giving all Americans who desire it easy, affordable access to advanced communications and information services, regardless of income, disability, or location.

The National Information Infrastructure: Agenda for Action addresses responsiveness to the usage requirements of people with disabilities as a founding principle. Providing choices in the modes of information representation and manipulation will break down existing barriers and accelerate progress toward the full

participation of people with disabilities in society as envisioned by the Americans with Disabilities Act (ADA). The technologies that deliver for the NII will be the technologies that LEAD the way in Liberating Expressiveness, Amplifying Dignity for all Americans.

LEAD by Design: Breaking Down Barriers, Building Choice

Ensuring that the NII accommodates the rights of the 49 million Americans with disabilities to equitable communication and information access amplifies innovations and economic returns from national investment in the NII. Existing Federal, State, and local investment activities underway are demonstrating that accommodating people with disabilities is finally gaining recognition as a driving force for advances in human and organizational performance. As this investment strategy gains momentum, information technology developers are weighing in on the broad-based, competitive advantages of this universal design approach, that readily accommodates individual needs associated not only with disability, but also worker re-training, aging, illiteracy, and high performance, critical mission information environments. Adoption of universal design will stimulate the deployment of applications that all consumers will value for convenience, customer choice, and equal opportunity.

Americans with disabilities represent a large customer base already discussing with industry and government how they envision the information infrastructure will work for them. Most important is customer choice. Until now, choice of the mode or form in which information is represented or communications conducted has not been available. Due to this inflexibility, many people with limitations of hearing, vision, or information processing have been inconvenienced by, or excluded from using these single modality services. Newspapers and documents available in a visual mode only, excluded or inconvenienced customers who were blind until the choices of auditory or Braille modes became available. Auditory-mode-only telephones excluded deaf individuals until multi-modality telephone services were developed that today incorporate hearing relay operators who convert communications between users of auditory-only devices and visual-only devices.

If future telephones or information appliances accommodated the choice of either visual mode (typing) or auditory mode (speaking), direct communications could be achieved and communicating parties would no longer be handicapped by single-modality services that are not compatible. Greatly anticipated as well are visual communications appliances that accommodate a range of needs from sign language transmission to handwritten note-sharing as an alternative to auditory mode only for conversations.

As the NII takes shape, being in the minority in terms of information mode requirements, due to a disability, need not be a significant handicapping condition, if a useful alternative mode is available. People who flexibly accommodate to either auditory or visual modes of information transmission, frequently fail to realize how single-modality services hamper and inconvenience access by people who are unable, due to a sensory mode limitation, to also alternate between both modes.

Many people who can accommodate either visually presented information or auditorially presented information, but not both, due to hearing or vision loss, are now high demand users of on-line services that readily

accommodate their choice of mode(s) and media, including visual display (standard or magnified), Braille display, or machine-generated speech. This pattern of early and sustained demand by people with disabilities can enhance the evolution of NII services. It will ensure that the full range of information mode choices unavailable in the past, can now be provided to enhance learning and communications by individuals and organizations.

Historical and Current Evidence of the Benefits

Two of the world's most valuable information technologies, the typewriter and the telephone, emerged from early efforts to accommodate greater choice in information mode by people whose disabilities made them less adaptable to mode differences. The typewriter was invented as a private writing device for a blind member of a royal family. Other developers of early typewriters also designed for blind people. Modality choice of writing device was critical to these early users. Realization of commercial advantages and transfer of this technology to business came much later.

When Alexander Graham Bell invented the telephone, he was attempting to convert speech to a visual representation in order to accommodate a greater choice of information modalities for his wife who had a hearing loss. Unfortunately Bell's invention failed to accommodate conversion of information from auditory to visual mode as intended. Instead the telephone extended the range of the auditory mode and broke down distance as a barrier to spoken communication. The originally intended benefits to deaf people have been late and inadequate. Only in the last 30 years has a usable choice for telephone access by deaf people become available. At that time, deaf people began purchasing and adapting old Western Union teletypewriters (TTYs) that only enabled communications with other TTY users. Communications between TTY users and standard telephone users has only become widely available in the last 2 years due to the establishment of ADA mandated state relay services.

Like the typewriter, transfer and extension of text messaging took a long time and could have taken even longer. One of the lead engineers of the original Advanced Research Projects Agency Network (ARPANET), the predecessor of Internet, was very accustomed to modality choice because he used a text messaging device (TTY) when communicating with his wife by telephone due to her hearing loss. This exposure positively influenced the inclusion of text messaging as an ARPANET application even though it was not part of the original planning. Today the value of this electronic text messaging or e-mail capability to people around the world is beyond estimation and choice of information mode is becoming an inherent feature in well-designed information applications.

Another contemporary ARPA example of choice driving innovation is infrared-based eye-tracking. This technology has been matured and commercialized by a small business, that targeted individuals with severe disabilities as the first customers of this hands-independent and body-movement-independent intelligent interface device. Today, this eye-tracking product is being sold around the world to a small, but growing number of people with extensive mobility limitations for whom keyboard use is not an option.

This product, after being commercialized and matured by users who demanded high performance and reliability, is now being purchased by federal and private sector laboratories. Oak Ridge Laboratories is exploring its use to control tele-robotic vehicles in hazardous environments. A number of usability laboratories world-wide have purchased a related product that enables user performance measures to drive advanced designs of visual interfaces. A head-mounted display incorporating eye-tracking is next; it will accommodate not only people with disabilities but anyone in high demand, high performance environments, including national security.

Speech recognition, a technology increasing in power and potential, also originated through ARPA resources. Quadriplegic individuals have become recognized by the speech recognition industry for the significant contributions they've

made to maturing a technology that is likely to revolutionize human-computer interactions in the near future. These pioneer users, without functional use of a keyboard, were driven not by device novelty, but by true performance demands and the need for choice of information input mode that accommodated effective interactions with a computer. Other user groups who have begun to derive significant benefits from speech recognition are people with learning disabilities and people whose repetitive strain injuries preclude continued use of a keyboard.

Another powerful telecommunications advance was spearheaded recently by a person with a profound hearing loss who worked with an engineer to overcome her dependence on text telecommunications. She wanted another choice. The resultant product is elegant in its simplicity and cost effectiveness. With this product, she is able to use both standard and cellular phones directly. All amplification is provided by her existing hearing aid. While the cost-per-unit is approximately \$80, there are immense long-term benefits and value of this technology to a segment of the hearing impaired population around the world.

Federal Evidence of Benefits

The General Services Administration, Clearinghouse on Computer Accommodation (COCA), has been tracking these little-known innovation synergies for a number of years. Through the Congressionally chartered Federal Laboratory Consortium for Technology Transfer, COCA has recently begun serious discussion with the Army Research Laboratory and other labs that exhibit strong interest in user interfaces that accommodate choice.

COCA became aware of this innovation dimension during the past decade while assisting federal agencies in identifying and shaping their investments in technology to fully accommodate people with disabilities. Public Law 102-569, Section 508, (1992 Amendments to the Rehabilitation Act of 1973) is the source of this Federal policy.

As implementation of federal accessibility statutes proceeds, federal agencies are discovering that purchasing information systems that accommodate a wide range of user interface requirements promotes productivity and ensures access to work-related and public information by people with disabilities. Organizations are benefiting from the ability to recruit and retain quality employees and the ability to effectively interact with all clients, including those with disabilities.

Agency experiences with user interface options that incorporate maturing technologies such as speech synthesis, speech recognition, or infrared technologies also provide an effective means for evaluating near-term applications with potential benefit to all users. Many employees in "hands-busy," "eyes-busy," or noisy environments can benefit today from flexible interface alternatives that have already been adopted by people with disabilities.

Applications with user interfaces that accommodate choice of alternative displays and keyboards are also being employed to minimize or prevent the visual fatigue and repetitive strain injuries associated with keyboard-intensive environments. As the work-force ages, accessible information services must support the requirements of people who develop age-related limitations of vision, hearing, or mobility. As planning by the Federal Government increasingly addresses a comprehensive information infrastructure, planning for choice represents a solid foundation to maximize the value of information applications and acceptance by users.

LEAD by Design as an NII Innovation Driver

As awareness of disability-driven innovations becomes recognized, and societal dependence on technology for community participation and economic growth continues, breaking down barriers and building choices will become recognized as an innovation driver globally. E.H. Sibley summarizes this strategic opportunity:

"In reflecting on the problems of the multiple language and character sets faced by the world,

it appears that a large portion of the potential computer user population is at a disadvantage. They must use difficult interfaces or learn another language. When we add up the cost of not having good input/output devices for the many people who can compute but find it cumbersome, we can conclude that the cost of efficient new devices would pay for themselves many times over. Particularly at a time when the world's political barriers are being removed, perhaps our new opportunity frontier should be to remove the barriers to computing for all humanity, be they different in language, representation, or device needs."¹

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."

The NII affords a unique opportunity in the design of human interface technologies to formalize collaborations among early demand user groups with a wide range of preferences, abilities and disabilities in order to reduce the lag time between technology transfer and user acceptance.

The Electronic Industries Foundation has reported that "manufacturers who have found ways to simplify the user interface have seen positive consumer response in terms of increased sales and decreased product returns... A growing body of research suggests that there are ways to design products that can accommodate functional limitations, and actually enhance their ease of use for everyone."²

¹E.H. Sibley, Communication of the ACM, May 1990

² EIA Seal of Accessibility Development Plan
Version 1.0 9/17/93

The use of generic performance benchmarks such as those developed by PirkI and Babic (1988) would stimulate the design needed to ensure customer choice. The benchmarks include:

- cross-sensory redundant cuing, feedback, and modes of operation that supports choice
- reduced complexity of operations
- adjustable product/user interfaces designed for a variety of populations and accommodation levels
- designing beyond basic needs in a manner that enhances user's independence, self-respect, and quality of life.

These findings are congruent with the growing recognition that technological advance only provides a competitive advantage for a short time; superior design and manufacturing — doing it right for the customer and quickly the first time ensures true economic advantage in a customer driven, global economy.

What is the Public Interest in Investing in NII and People with Disabilities?

This section outlines how significant benefits are anticipated in at least five areas. The public will be particularly interested in how building choice in NII:

- removes communications and information access barriers that restrict business and social interactions between people with and without disabilities
- removes age-related barriers to participation in society
- reduces language and literacy-related barriers to society
- reduces risk of information worker injuries and

- enhances global commerce opportunities

Removes Communications and Information Access Barriers that Restrict Interactions Between People with and without Disabilities

An individual with limited mobility may not have easy access to public libraries, places of employment or business, or retail outlets. Although these facilities may be "accessible" for the wheelchair user, getting to and from such locations often poses a serious challenge. Loss of hearing or sight are obvious barriers to information access.

The capacity to communicate with, and collect information from almost any point on the globe from one's home has already expanded the ability of persons with disabilities to participate in an information oriented society more effectively than ever before.

Federal policy promoting the coordination of a NII holds great promise of protecting the gains already made in information access by persons with disabilities. However, if the design and development of the NII does not accommodate the technical requirements for choice needed to provide universal access, then information utilization by persons with a variety of disabilities will be set back to the days before the development of computers.

At present, even without the development of a coordinated infrastructure, people with disabilities are carrying out electronic banking, shopping on-line, telecommuting, providing information services to others, all from their homes. In the office setting via electronic document processing, visually impaired and blind employees have access to vital information equal in some cases to their sighted colleagues. The economic impact of developing an information system that fails to accommodate the choice of modes of operation including access devices that convert electronic information into a form that can be used by a person with a disability (i.e., Braille displays, speech synthesizers, or voice input processors) will be far greater than the cost of ensuring this

universal access in the infrastructure from its inception.

Personal Experiences of How the NII is Reducing Barriers

"There are many truths of which the full meaning cannot be realized until personal experience has been brought home."

John Stuart Mill 1800-1873

What follows is a list of personal experiences that offer insight into how the NII can benefit citizens with disabilities.

■ Reduced Barriers to Full Participation in Society

I am a C7 quadriplegic who has completed a course in desktop publishing. I have been disabled for two years and very eager to get back into the work force. I have learned I'm still employable regardless of my disability. I recently learned about telecommunications and the different networks for communicating. With electronic mail I communicate with various people from all around the world. My life has really opened up with my career change and the electronic information systems.

■ Reduced Barriers to Business and Employment

I am a C5 quadriplegic living in the Silicon Valley and a current intern with the Networking and Communication Department. I have been disabled for ten years from a motor vehicle accident in 1983.

I use computer telecommunications daily in numerous different functions. Telecommunications has opened up a new world, allowing me to communicate via e-mail with colleges, government agencies, and organizations. The future success of telecommunications is phenomenal, especially for the disabled community. It not only allows a person unable to go out into the community to access endless amounts of information, but also permits disabled persons, such as myself, to

eventually return to the workforce (via telecommuting) and become productive citizens again.

I have a dream of some day starting a nationwide bulletin board for attendant care for the disabled community. It would be an attendant registry that would permit disabled persons to hire attendants anywhere in the United States and find qualified and compatible employees.

■ Reduced Communication Barriers

I am 17 years old. I am an oral, profoundly hearing-impaired student who is fully mainstreamed in the 12th grade at the Park School in Baltimore, MD. I did not really have access to e-mail until early October, when a friend of mine proposed that we e-mail each other...e-mail turned out to be easier than I thought, and it has been wonderful because it has enabled me to communicate with my friends from around the Atlantic Seaboard region.

The "electronic super-highway" is a boon for deaf/hearing impaired people because it enables them to communicate via the written word, which is a very effective alternate means of obtaining vital information in a relatively short period of time. It is my hope that the White House will make access to the information highway universal.

Thank you for allowing me to voice my concern regarding this matter. E-mail is such a wonderful thing and I am fortunate to be living in an age where communication opportunities (especially for the deaf/hearing impaired) are expanding.

■ Reduced Information Access Barriers

I am using e-mail every day on campus at Gallaudet University, and because of my social shyness, it is much easier for me to socialize on the keyboard. I also find it great for research, and am doing my best to learn about Internet services as quickly as possible. I have been hard of hearing since birth, 50db equilaterally.

■ Reduced Barriers to the "Basics" in an Information Society

Rodney, a senior at Rogers High School, Puyallup, Washington, has no use of his arms or legs and uses a mouth wand to operate a computer. He began using a computer at age 6, and learned to read and write in this manner.

When asked a question, Rodney balances his wand on a box strategically placed near his terminal. A computer he says "is sort of like running water. You don't know what you'd do without it."

■ Removes Age-related Barriers to Participation in Society

According to the U.S. Bureau of the Census, by the year 2000, the U.S. population of those over 65 years will be greater than 34 million, this figure world wide will be over 419 million. The Bureau projects that in the next 50 years, the U.S. population will increase overall by 19.8 percent; however, the population of those 65 years or older will increase by 117 percent, more than doubling from 31.6 million to 68.5 million. By designing the NII to meet the needs of people with disabilities, the NII will also have the flexibility and competitive advantage of accommodating the freedom of choice and independence desired by this unprecedented number of older people. A well-designed NII that accommodates a wider range of vision, hearing, and mobility differences will normalize and not stigmatize our aging society. Personal and economic loss associated with past age-discriminatory designs can be minimized.

The NII will increasingly be a key factor in the independence, productivity, commerce, and community participation of a significant percentage of older people in our society. User acceptance will be accelerated by designs that make the NII easier and simpler to use. Those over the age of 50 control over 50 percent of America's discretionary spending funds (Ostroff 1989), and those over 65 control 77 percent of all assets (PirkI and Babic 1988).

Reduces Language and Literacy Related Barriers to Society

Full implementation of the Television Decoder Circuitry Act of 1990 will ensure not only full access to broadcasting by deaf Americans, but will also provide the choice of text captioning that may serve as a powerful application to reduce illiteracy in this country. According to the most comprehensive literacy study ever done by the U.S. government, the literacy levels of 90 million people in the United States is deficient.³ This situation represents a direct threat to the U.S. economy. Another significant benefit of television with text captioning will be its usefulness as an effective learning technique for people who are learning English as a second language.

Reduces Risk of Information Worker Injuries

With 70 million personal computers in use, strain injuries have skyrocketed. The U.S. Department of Labor figures show repetitive stress injuries represent 60 percent of all job-related illnesses. Estimates of the annual cost to business is \$20 billion.⁴ Pilot demonstrations of speech recognition for all workers are underway in several large companies as a strategy to increase productivity and decrease keystrokes. Again, pioneer users of this technology have been people with disabilities who needed a choice other than a standard keyboard. NII applications must interoperate with intelligent user interfaces accommodating a wide range of user needs and preferences such as speech interfaces.

Enhances Global Commerce Opportunities

There are approximately 750 million people with disabilities in the world. Meeting the needs of

³ U.S. Department of Education, National Center for Education Statistics, National Adult Literacy Survey, funded by Federal and State Governments

⁴ Smithsonian, June 1994

people with disabilities in the NII will provide U.S. companies an early competitive advantage in the global marketplace.

The global advantages of the increasing U.S. market responsiveness to people with disabilities was noted in the 1993 report of the Commission of the European Communities. The report, European Technology Initiative for Disabled and Elderly People - Call for Proposals, states as follows:

"Technology transfer from the major European Information Technology industry to the Small and Medium-sized Enterprises, with the knowledge of the customer, will be critical to the competitiveness of the European Rehabilitation Technology industry. This technology transfer opens new markets for European technology. It also helps counter the threat posed to European industry by US legislation in favor of people with disabilities which is both forcing the Information Technology industry to take their needs into account and stimulating a strong rehabilitation technology industry in the US."

Deploying technologies such as real-time captioning, originally developed to accommodate deaf individuals could also enhance international commerce activities. For example, U.S. economists working on General Agreement on Tariffs and Trade (GATT) spent many hours transcribing and comparing notes from working sessions before strategizing on next steps. Delegates with limited English proficiency may experience even greater difficulties processing meeting content when it is only presented in spoken English. This situation may tend to increase misunderstanding and decrease trust, resulting in costly negotiation delays. Deploying real-time captioning would provide all delegates with a written English transcript of the proceedings at the end of the meeting. The captioning equipment would also provide to the entire group a real-time text display of the speaker's words that would serve to enhance language comprehension by delegates with limited English proficiency.

The technical solutions employed today to magnify text displays for low vision users are

identical to solutions being evaluated in Saudi Arabia to make English software applications readily translatable to Arabic. This approach can be applied to any foreign language and may reduce barriers to market entry for U.S. software developers.

PART II: Where are We Now?

This section addresses the emerging consensus on universal design and convergence of policy and design practices in both the public sector (Federal, State, foreign governments) and the private sector that are becoming examples and support mechanisms for NII applications to break down barriers by building in customer choice.

National Laws and Policies

Since 1988, statutory requirements for federal agencies have been in place to ensure that agency investments in information technology integrate requirements to meet the needs of people with disabilities are met. This policy is based on two laws, Public Law 100-542 and Public Law 102-569. Public Law 102-569, Section 508 addresses the requirement that Federal investments in information technology be conducted in a manner that ensures access to computer and telecommunications products and services by employees with disabilities and citizens with disabilities accessing public information services. Public Law 100-542, the Telecommunications Accessibility Enhancement Act, mandates a proactive approach within the government to advancing accessibility to the Federal telecommunications system by individuals with hearing or speech limitations.

These laws do not represent a radical new direction for federal agencies, but serve to reinforce existing mission requirements under the Rehabilitation Act of 1973. This Act requires federally conducted or federally sponsored programs to be accessible to persons with disabilities and mandates that management policies must not discriminate in the hiring, placement, and advancement of persons with disabilities.

The Americans with Disabilities Act of 1990 (ADA) has adapted and extended many of the existing responsibilities of the Rehabilitation Act of 1973 for implementation outside the Federal Government. The law requires barrier-free access to places that serve the public, such as theaters, restaurants, and museums. State and local government services, transportation, and telecommunications services must also be accessible. Discrimination on the basis of disability in private sector employment is also prohibited.

Protecting the rights of access to the evolving information infrastructure by customers with disabilities is a national responsibility as a result of the Americans with Disabilities Act. As implementation of ADA continues, accessibility to the information infrastructure represents an important area for Federal, State and private sector sponsored pilot demonstrations to conduct performance benchmarks and showcase early benefits and successful implementation strategies.

Efforts of Federal Agencies

General Services Administration, Council on Accessible Technology

In 1984, GSA created an interagency committee that is now called the Council on Accessible Technology. The Council, comprised of senior executives from 30 agencies, promotes the planning and investment in information infrastructure that demonstrates the flexibility of choice needed to accommodate people with disabilities.

The Council advances the business practice of including persons with disabilities in the design, pilots, and early implementation of all new government information infrastructure investments.

Last Fall, the Council co-hosted with the Department of Commerce a seminar entitled "Universal Design: Accommodating Diversity and High Performance." The seminar was attended by approximately 200 people from Federal and State Governments and industry. The seminar

took place in conjunction with the Department of Commerce' Sixth Annual Accessible Computer Technology (ACT) Exhibit.

At the Department of Commerce's Seventh Annual ACT Exhibit, on Oct. 5/6, 1994, the Council, together with the Committee on Application and Technology, will be showcasing Federal, State, and private pilot demonstrations of applications that exemplify how the needs of people with disabilities can be met in the NII. The Clearinghouse on Computer Accommodation will assist in pre-selection of applications that meet existing accessibility guidelines.

The Council will conduct a similar showcase of NII applications that are usable by people with disabilities at Interchange '94, October 12/13, 1994.

General Services Administration (GSA) Clearinghouse on Computer Accommodation (COCA)

Since 1984, the GSA Clearinghouse on Computer Accommodation (COCA) has served as a model demonstration center for advancing accessible information environments, services, and management practices in order to stimulate the governmentwide capacity-building needed to meet statutory requirements. The center provides technical consultation, presentations, training, and assistance to federal agencies. The center also serves as a pilot demonstration site and market need/market utilization conduit between federal agencies and laboratories, universities and industry.

COCA facilitates a network of Federal employees with disabilities and their support personnel that provides early customer feedback on new service delivery technologies and practices. Coordinating with COCA and this network, the Computer/Telecommunications Accessibility Resource Exchange (CARE), is now a part of many agency programs. CARE members piloted with GSA developers, the first accessible information kiosk. GSA continues to advise and provide accessible kiosk services to customer agencies.

Current projects underway include:

- working with Government Printing Office, National Institute of Standards and Technology, and Internal Revenue Service to ensure development of electronic document services that are accessible
- providing guidance on developing accessible CD-ROMs
- developing a tutorial to assist blind users becoming oriented to Windows
- preparing a COCA handbook as a model for universal access in electronic document preparation
- evaluating Internet browsers, including Mosaic and Lynx to enhance the access modes supported

Last summer, COCA piloted a program that exposed future human interface designers to the government's need for an accessible information infrastructure. Stanford University participated in the program and inquiries for future participation were received from the Georgia Institute of Technology and the Kennedy School of Government at Harvard University.

Due to changing research priorities, Federal laboratories committed to dual-use technology and high performance technology are also beginning to approach COCA to discuss collaborative efforts. In this manner, market demand will be stimulated for alternative modes of computer interaction needed by persons with disabilities. The synergistic goals of dual-use technology and accommodation of diversity can be achieved. It is anticipated that this technology push initiative will be complemented by a market pull within the labs for user interfaces offering greater flexibility to accommodate a wider range of abilities, disabilities and preferences.

Microcomputer Training Program for Persons with Disabilities (MTPPD)

(MTPPD) serves persons with disabilities within and outside the Department. MTPPD also supports the Department's Nationwide Office Automation for the VA (NOAVA) implementation to ensure employees with disabilities receive equal access to NOAVA OA systems and platforms.

The MTPPD program provides training to employees within the VA and from other federal agencies. The cost-reimbursable training addresses both adaptive technology and common application packages. Other program services include consultations, tours, equipment demonstrations, and product evaluations. Document scanning and converting services, including braille, are available to agencies on a cost-reimbursable basis.

Department of Commerce (DoC) Committee on Resources for Electronic Accessible Technology to End Users (CREATE)

CREATE is the vehicle responsible for planning and coordinating Department-wide activities in increase awareness of accessible technology issues and explore ways to ensure that the information environment is usable by people with disabilities. CREATE hosts the Accessible Computer Technology Exhibit hosted annually in October to increase awareness and effective use of commercially available products and services that accommodate people with disabilities.

Department of Agriculture (USDA) Technology Accessible Resources Gives Employment Today (TARGET) Center

The Accessible Technology Program has established the TARGET Center to support USDA employees nationwide and other federal agencies. TARGET provides evaluations,

demonstrations, resource information, needs assessments, and training on accessible technology. The center uses open systems concepts to highlight accommodation solutions available on personal computers. TARGET demonstrates how accessible technology optimizes productivity and job retention of career employees by reducing worker compensation costs and disability retirements from end-user computer injuries.

Department of Defense Computer/Electronic Accommodations Program (CAP)

The CAP Office assists DoD activities to procure adaptive equipment which provides access to computer systems and telecommunications as required by Public Laws 102-569 and 100-542. The CAP Office provides technical, educational and financial support to assist employees, supervisors and managers identify and procure appropriate accommodations. The CAP Office conducts special projects to assist DoD activities to ensure an accessible work place. Projects include working with DoD components to ensure that training centers, libraries, and programs are accessible; and coordinating with system acquisition activities to ensure that accessibility is considered in the procurement of DoD systems. CAP also established the Technology Evaluation Center (CAPTEC), a facility dedicated to the evaluation and testing of emerging technology. The CAPTEC assists DoD supervisors and employees in choosing appropriate adaptive equipment for creating work environments that are accessible to persons with disabilities.

Internal Revenue Service Computer/Telecommunications Accessibility Program (CAP)

The Computer/Telecommunications Accessibility Program (CAP) was established to ensure the IRS makes electronic information accessible to people with disabilities. CAP assists the managers and employees in selection and procurement of appropriate adaptive technology. The CAP office works with acquisitions and procurement personnel to ensure that

accessibility is included in information technology procurements. CAP has a demonstration center with adaptive equipment.

National Security Agency Center for Computer Assistive Technology (CCAT)

The National Security Agency's CCAT provides demonstration of assistive technology devices and professional resources for agency employees with hearing visual or physical limitations. The goal of the center is to provide assistance and identify alternative solutions for persons with disabilities.

Federally Sponsored Activities

Department of Education (DoEd) National Institute on Disability and Rehabilitation Research (NIDRR)

- Technology-Related Assistance Act Funded States

In 1994, Congress re-authorized Public Law 100-407, the Technology-Related Assistance For Individuals with Disabilities Act (P.L. 103-218). Administration of the law continues to be conducted by the NIDRR. The states have received grants for "systems change" activities to eliminate barriers that impede information and acquisition of assistive technology services and devices through implementation of consumer-responsive systems.

- Project Enable, West Virginia Research & Training Center

Project Enable is a full featured computer bulletin board system providing information on disability, rehabilitation, employment, and education. It is used primarily by people with disabilities and their families, educators, students, and rehabilitation workers who participate in over 150 special interest discussion groups.

- Rehabilitation Engineering Research Center (RERC) on Communications and Information Technology Access, Trace Center, University of Wisconsin, Madison

The Trace RERC studies access problems of people with disabilities to computer and information systems, and disseminates information on solution strategies. Trace works with computer manufacturers and software producers to outline how existing products can be made more accessible to people with disabilities. Through Trace efforts, disability access features are being built into commonly used operating systems. Current cross-disability goals include working with a broad coalition to:

- identify ways that manufacturers can build access directly into next generation systems to accommodate the widest possible number of customers
- identify strategies to allow customer choice of mode of operation.

National Science Foundation (NSF)

DO*IT (Disabilities, Opportunities, Internet-working, and Technology), University of Washington: DO*IT enables high school students with disabilities to explore careers in science, engineering, and mathematics through "mentorships" conducted via Internet with practicing engineers and scientists from around the world, many of whom also have disabilities.

Selected Non-profit and Academic Activities

Project EASI (Equal Access to Software and Information)

Provides assistance to higher education in developing computer support services for people with disabilities. Project EASI provides information and guidance on campus applications of adaptive computer technology for access to information, instruction, research, and employment. Project EASI's Internet server hosts an active discussion about computer/telecommunications access issues.

WGBH-Caption Center, Boston, MA

WGBH has pioneered advances in accessible programming for more than 20 years since captioning the first nationally broadcast program.

WGBH is working to make all programming accessible to the nation's 24 million deaf and hard-of-hearing viewers. Instrumental in the Television Decoder Circuitry Act of 1990, they also launched Descriptive Video Service (DVS) in the same year. DVS makes television accessible to millions of people who are blind or visually impaired through narrated descriptions of key program elements.

Corporation for Public Broadcasting/WGBH National Center for Accessible Media (NCAM), Boston, MA

NCAM was established in 1993 with funding from the Corporation for Public Broadcasting. NCAM is taking steps to accelerate media access to populations that have been underserved or denied access. Project examples include:

- Closed Caption University — empowering individual public television stations to caption their own programming
- Access Primer and Toolkit — primers for stations interested in technology applications such as captioning, descriptive video, and foreign language (especially Spanish) translations and tips on building relationships with deaf, blind, and minority-language communities
- International Broadcasting — study of how countries around the world are providing access to their TV systems
- Vertical Blanking Interval (VBI) Project is experimenting with using the VBI of the television signal instead of the third audio channel in routing descriptive video or Spanish video
- Print Access Project — to digitize newspapers and deliver them into the home fully accessible to blind, low-vision, and other print-disabled people.

World Institute on Disability (WID)

WID focuses on creation of public policy that will give people with disabilities access to the information age. WIDnet is a network that focuses on disability policy.

Stanford University, Center for the Study of Language and Information (CSLI)
CSLI's Archimedes Project works to improve access to information for individuals with disabilities by influencing the early design stages of emerging technologies. The project:

- applies basic research about information and communications to the design of access for people who are disabled
- educates those who will develop the next generation of technology about the advantages for the whole community of designing general access. In both instances maximum leverage is obtained by emphasizing design rather than retrofit.

Private Sector Activities

Disability Action Committee for Xwindows (DACX)

DACX is working to solve accessibility issues presented by the Xwindows graphical user interface. Membership includes the major Xwindows vendors including DEC, IBM, SUN, and representatives from academia. The purpose of DACX is to develop solutions which will allow users with disabilities to access systems running the Xwindows GUI. The group has succeeded in developing access utilities for users with motor impairments. It is also working on developing necessary "hooks" for screen reading programs. Access-related software developed by DACX is distributed through the Xwindows Consortium.

The International Committee on Accessible Document Design (ICADD)

ICADD promotes standards for producing documentation for "print disabled" individuals. Membership includes representatives from

industry, academia, and government from many countries around the world. The purpose of ICADD is to develop and encourage the document transformations that print-disabled persons are working toward. ICADD has succeeded in implementing accessibility in existing International Standards Organization (ISO) standards such as the Standard Generalized Mark-up Language (SGML)

Electronic Industries Association (EIA)

Electronic Industries Association's Consumer Electronics Group and the Electronics Industries Foundation (EIF) are currently working to create a Seal of Accessibility for consumer electronics products.

When completed, the Seal will certify that designated mainstream products can be used by persons with functional limitations associated with aging, a temporary injury, or permanent disability, and that the products meet the accessible design guidelines established by a committee comprising manufacturers, disability experts, consumers, and representatives of organizations serving the needs of people with disabilities. The seal should help manufacturers during the design process and consumers during the selection process.

Industrial Design Excellence Awards (IDEA), Industrial Designers Society of America and *Business Week* Magazine

Promotes recognition of industrial design excellence as a strategic tool for competitiveness in the domestic and global marketplaces. Industrial designers make products easy to use, safe, comfortable, appealing, and ecologically responsible. One of the 18 gold medal winners for 1994 was James Pirkel, designer of a book on *Transgenerational Design: Products for an Aging Population* which highlights the marketplace advantages of well-designed products that also accommodate older people and people with disabilities.

International Activities

There are three major European program efforts underway to accelerate the productive application of technology on behalf of people with disabilities. The largest of the three is Technology Initiative for Disabled and Elderly (TIDE). TIDE is a community research and development initiative in the field of rehabilitation technology designed to stimulate the creation of a single market in Europe. TIDE assists elderly and disabled people to live independently and participate more fully in the social and economic activities of the community.

The main goal of the RACE program (Research and Development on Advanced Communication in Europe) is to develop technology and infrastructure in order to prepare for the introduction of broadband network services and to promote European industry competitiveness in this field.

This activity includes delivery of services to the largest possible cross-section of the user population, including people with disabilities. The project includes development of a standard reference manual of specifications for designers that will provide the necessary knowledge about human factors to ensure network accessibility to all users.

Member States of the European Union recognize the importance of education, employment, and accessibility for people with disabilities. Institutions of the European Union have issued resolutions to promote equality of opportunity and integration of people with disabilities.

Canada's information infrastructure planning has also begun to address integrating the needs of people with disabilities. Canadian representatives have requested information about U.S. plans.

PART III: Where Do We Want To Be?

"Information, which will be education, which will be employment, which will be income, which will be possibility, must flow to all Americans on terms of equal accessibility without regard to

physical condition. And we are committed to doing that."

- President Clinton 5/13/94

This section addresses examples of user expectations of important NII capabilities. These capabilities will be needed to address the national goal of equal accessibility in communications, commerce, and community among people with and without disabilities. The examples are grouped under the four functional capability areas identified in the Vision for a 21st Century Information Infrastructure report of the Council on Competitiveness:

- 1) widely accessible and interoperable communications networks
- 2) digital libraries, information databases and services
- 3) information appliances and computing systems
- 4) trained people to build, maintain, and operate these resources.

This May 1993 report envisions:

The information infrastructure of the 21st Century will enable all Americans to access information and communicate with each other easily, reliably, securely and cost-effectively in any medium — voice, data, image or video — anytime, anywhere.

Widely Accessible and Interoperable Communications Networks

- Expectations of business owners with disabilities will be met for commerce, information, health, and manufacturing networks that offer the visual and auditory redundancy needed to accommodate their choice of modes of communications and information processing in a manner that is also transparent to and convenient to their customers.

- Education networks should accommodate the needs of parents, children, and teachers to have alternative modes of communication and information sharing available to accommodate situations when one or more of the communicating parties has a disability associated with hearing, seeing, or speaking. For example, text messaging might substitute for telephone conversations between a parent and teacher. Multi-media learning applications would support redundancy options allowing student choice of information presented either visually or auditorially/tactile or both.
- Accommodating people with disabilities will be a tangible and widely recognized citizen benchmark for responsive and respectful service. Citizen expectations will be met for equal access and improved services at all levels of government service delivery. For example, 911 emergency service calls will accommodate text telephone users who are deaf or speech impaired.
- Enhanced service/routing features on 800-number arrangements need to accommodate people with disabilities by detecting text telephone users and routing their calls to a data server when voice telephone calls to the same number are routed to a recorded voice response unit. 800 numbers placed to an information service agent would automatically patch to the nearest State relay operator service if the agent failed to respond with a device capable of communicating directly to a text telephone.
- The 800 number service capability should also provide in a similar manner an automatic linkage option to the language translation services industry when needed by a caller or information services agent to complete a communication transaction when a common language is not available to the two parties.
- The large federal investment in Federal laboratories and the technology transfer and dual-use programs should meet citizen's expectations by contributing to advanced communications and information services that are designed to accommodate all user choices of modes of operation. This will be achieved through the Federal Laboratory Consortium and other organizations.
- Expectations by hearing impaired and speech impaired executives that their requirements for real-time captioning through text or sign language inserts will be available in standard video conferencing environments will be met. This capability will also accommodate participants at international conferences who experience language barriers. Blind participants will be able to receive transmitted text by Braille if desired.
- Participants in courtroom proceedings including judges, jurors, and attorneys will be accommodated as requested using the suite of service choices described above to accommodate hearing loss, vision loss, or language differences.
- Wireless voice and data service offerings and equipment will be able to accommodate people with disabilities in a manner that represents a significant improvement from what is commercially available today in terms of interoperability, competitive offerings, and user choice and customization options.
- The access component between the customer premises equipment and the user with a disability will be designed with as much care and attention to flexibility and interoperability as the access component between the customer premises equipment and the transport carrier.
- Expectations from current users with disabilities that uninterrupted choice of access mode to existing network utilities and services will continue as the technologies advance. This currently includes electronic mail (video mail, multimedia mail, etc.), directory service, security service, electronic commerce, and bulletin board systems.

■ Expectations that students with auditory or visual limitations will also be able to benefit from the commercially prepared multi-media and "real-time video" capabilities employed for individual and group learning.

- Expectations from community members that electronic town meetings and government provided kiosk services will accommodate full participation by all.
- Expectations from blind people as well as those learning English that descriptive video services would become a standard option. Descriptive video services provide a spoken description that accompanies visual events.

Digital Libraries, Information Data Bases and Services

- Federally funded activities of the High Performance Computing and Communications Program, will address the needs of people with disabilities to use these services and include people with disabilities in their pilot projects. This includes projects such as NSF funded digital libraries research, NASA developed prototype digital libraries, ARPA funded hypermedia systems with intelligent user interfaces and National Institutes of Health developments in medical database management.
- Expectations of people who are print-handicapped due to vision problems or have problems handling printed materials due to dexterity limitations will be met. These members of society will be able to access all publicly and commercially available electronic information services using their choice of access modes.
- The Government Printing Office "Access" Act of 1993 will accelerate services that are fully usable by people with disabilities including:
 - 1) an electronic directory of federal electronic information

2) on-line access to the *Congressional Record*, the *Federal Register*, and other appropriate publications and

3) an electronic storage facility for federal electronic information.

- Expectations of retirees for intensive, early, and satisfied use of NII education, commercial, and leisure applications will be closely tied to the ease with which their age-related choices for large print, amplification, and speech-based interfaces are met.

Information Appliances and Computing Systems that are Easy to Use

- Expectation that information appliances or customer premises equipment that used to include only telephones, PCs/workstations, fax machines, optical character scanners, LANs, modems, video equipment, cellular phones, pagers, personal digital assistants, and notebook/laptop computers will now also include braille displays, braille computers, alternative keyboards, captioning systems, closed circuit televisions, CD-ROM drives, text telephones, text-to-speech devices, voice recognition systems, augmentative communication devices, assistive listening devices, and wireless personal communication services.
- Expectation that end-to-end telecommunications service will fully deliver to people with disabilities and include not only transport service, but also equipment and software choices needed for end to end connectivity. These services will offer user preference of modality or combination of modalities in which to present information or communication including:
 - 1) voice-oriented
 - 2) data-oriented
 - 3) video-oriented (including video conferencing)

4) multi-media oriented

5) wireless-based

- Older Americans will not be resistant to change as sometimes predicted if new appliances accommodate age-related vision, hearing, or dexterity limitations through better designed technologies offering greater range and mode options than are available today.
- The capability to accommodate people with disabilities will be recognized as an essential performance measure during selection from among competing appliances. This benchmark will ensure the flexibility of choices needed to access all communications networks and services and also accommodate learning preferences, noisy environments, hands busy environments, and high performance environments, including national security.
- Expectation that executives with disabilities while on travel will be able to secure an equivalent level of access to information and communication services as their non-disabled colleagues through well-designed information services such as kiosks, e-mail, and FAX-on-demand that accommodate choice.

Trained People to Build, Maintain, and Operate these Resources

- Expectation that designers will invite people with disabilities to be beta users of all new products and service offerings recognizing that this class of user is both more demanding of functionality and more likely to quickly adopt a capability that offers real advantages. This design approach has unfailingly promoted greater ingenuity and innovation for many years, however, it has not been well known or consistently applied until recently.
- Expectation that designers with disabilities are more likely to stimulate increased design

foresight for range of functionality and mode options in their organizations.

- Businesses that offer separate special customized products and services to meet needs of people with disabilities in a manner that accommodates choice as an afterthought will be at a distinct disadvantage to businesses fully integrating the choices of people with disabilities early through universal design and pilot demonstrations that include people with disabilities.
- Businesses will advertise their products and services as "access-screened" in a manner similar to being "green" or environmentally conscious. Perhaps a AAAS rating for "Application Adequacy for Accessibility Services" or a Seal of Accessibility as advanced by the Electronics Industry Association could be utilized.
- Businesses will expect federal pilot demonstrations to demonstrate how the accessibility of products and services can be advanced in the NII. There will a strong emphasis on access performance and reliability benchmarks for universal design in public and private interoperability testbed labs.
- Businesses will expect opportunities to showcase how they are investing in universal design to competitive advantage.

PART IV: How Are We Going To Get There?

This section addresses the scaling opportunities afforded through the NII to establish the leadership, policy, and marketplace roles and alliances necessary to ensure that the design of the NII will meet national expectations for breaking down barriers. These expectations can only be fulfilled by building choice and full usability for people with disability into the development of the NII.

Strengthen Market Pull — Current Effort Level Can Not Ensure Uninterrupted Access

Although the Federal Government in its role as a major employer and information technology consumer is taking steps to use its "buying power" to communicate to industry its need for information technology products and services that are usable by people with disabilities, this process must be scaled up in priority and include pilot demonstration activities in order to shape the capabilities needed earlier in the technology design cycle.

Agencies are demonstrating progress in formulating access policies and meeting current employee accommodation needs; however, increased attention is needed on leveraging market demand to ensure long-term uninterrupted access as future technologies are introduced and the information infrastructure proceeds. The current restricted usefulness of graphical user interfaces by blind users represents inadequate foresight in the marketplace to changing needs. Today blind users face graphics-mode-only applications whose designs neglect to accommodate choice, thus providing marginal utility of popular applications that have been fully utilized for more than a decade. Discussions in recent White Papers on the information infrastructure will need to be expanded in order to adequately address requirements of people with disabilities to the NII.

At a time of rapid technological change, the needs and requirements of customers with disabilities must be fully integrated in all technology development, replacement, and refreshment initiatives. Realizing the full benefits of the NII also depends on the development of open system standards. Without these open systems, small firms developing application devices important to individuals with disabilities will be crowded out of markets by larger, more established firms.

Fortunately, industry champions for improved access within large computer companies report that they are actively seeking greater evidence

that equitable access is a high priority customer requirement of the government's information infrastructure.

Leadership by Example

Although the Federal Government is commonly associated with technology push R&D funding, within the information technology arena, the Federal Government also has a unique role as buyer for the largest and most complex information environment in the world. The ability of the Federal Government to demonstrate technology foresight in the marketplace can have a significant impact on the quality of life of people with disabilities. This consumer foresight can accelerate the readiness of the U.S. information industry to respond to similar application challenges beyond the Federal marketplace and abroad. The Federal Government should strengthen its investment commitment to universal design in order to achieve not only equal access to NII by all Americans, but also to recognize the innovation incentive it provides to industry to better prepare for consumer interface demands globally.

The Office of Science and Technology Policy is currently providing an example of LEAD by Design by assessing how well a new White House information service can be used by people with disabilities. This action will signal — in a manner that echoes tapping on the Liberty Bell during the first transcontinental call — our national commitment to an information infrastructure that will deliver in terms of global competitiveness and in a manner that liberates the expressiveness and amplifies the dignity of all Americans.

New Roles and Alliances

Deploying the National Information Infrastructure (NII) in a manner that promotes universal service, access to government information, and technological innovation with performance benchmarks for customer choice, equal opportunity, and convenience will provide the needed context for the following actions:

- Due to the high stakes requirements of people with disabilities, establish a citizen participation mechanism or use an existing capability such as Americans Communicating Electronically (ACE) to ensure that citizens with disabilities have the means to give input and feedback directly to NII planners and developers throughout the process. This is the NII category of customer with great need and at great risk for being well-served by the NII.
- Establish pilot demonstration partnerships among regional associations of people with disabilities; regional business innovation and/or industrial design consortiums; regional federal laboratory consortiums; and regional rehabilitation engineering centers.
- Increase collaboration among committed individuals involved in next generation design within universities, industry, and Federal laboratories to provide the focused technology push to human interface technologies that will readily accommodate capabilities required by people with a wide range of preferences, abilities, and disabilities.
- Increase collaboration among Federal, State and private sector organizations to operationalize performance benchmarks and showcase pilot demonstrations of infrastructure capabilities that also offer improved and uninterrupted access by people with disabilities.
- Human interface technologies that accommodate a wide range of user needs will become recognized as a critical technology in the missions of the Federal High Performance Computing and Communications Program, the National Telecommunications and Information Administration, the Federal Laboratory Consortium, and the Technology Reinvestment Project of the Advanced Research Projects Agency.
- Increased educational opportunities for human interface designers to learn how to

meet customer requirements for accessibility through university/industry/disabled community partnerships that improve industry foresight to this changing global need.

Incorporating the Needs of Americans with Disabilities in New National Legislation

- How should the Communications Act of 1994 (S.1822) protect and advance universal service in a manner that more explicitly includes people with disabilities?
- How should the Antitrust Reform Act of 1993 (H.R.3626) and the National Communications Competition and Information Infrastructure Act of 1993 (H.R. 3636) fully reflect public interest in universal design, universal access, and customer choice?
- How should intelligent interfaces that accommodate disabilities and abilities be acknowledged as a competitiveness factor in the National Competitiveness Act of 1993 (S.4)?

Performance Benchmarks for Accessibility

- How should the design needs of people with disabilities become operationalized as an integral aspect of all NII development initiatives?
- What performance benchmarking mechanisms are needed to ensure that innovations such as information kiosks, electronic town meetings, electronic voting and other interactive services can be fully utilized by people with disabilities?
- How can the design needs of people with disabilities be an integral principle of ongoing federal programs advancing the NII such as the High-Performance Computing and Communications Program?
- What mechanisms are needed to coordinate and accelerate the technology transfer benefits between federal programs serving

people with disabilities and High-Performance Computing and related advanced technology and technology reinvestment programs?

- How should application guidelines for universal access be integrated into the National Telecommunications and Information Administration grants program designed to support demonstrations of new telecommunications technology applications?
- What mechanisms exist for regulatory agencies such as the Federal Communications Commission to communicate with disabled citizens on telecommunications issues?

Conclusion

Full participation by citizens with disabilities in the design, pilot demonstrations, and implementation of NII applications is a national priority. Collaborative support mechanisms within the Federal and State Governments and private sector need to be strengthened to serve as communication conduits between citizens and NII developers. NII investments need to include performance benchmarks to ensure that applications can be fully utilized by people with disabilities.

The NII must accommodate choice in order to deliver on its promise of universal access. The unprecedented convergence of information technologies only amplifies the possibilities - accommodating choice provides a focal point for early and far reaching benefits.

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United States Architectural and Transportation Barriers Compliance Board

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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.

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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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The Access Board produces or distributes the following publications. Single copies (regular print, braille [B], cassette [C], disk [5 1/4" DD floppy disk in ASCII format], or large type [LT]) are available at no cost. Circle the publication number (M41, for example) for a regular print copy or one of the letters (B, C, D, LT) for a single alternate format.* Clearly print your name and address in the space provided on the back of this form. Any publication may be photocopied or reprinted to use for nonprofit educational purposes.

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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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STATE:

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August 1994

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.



**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

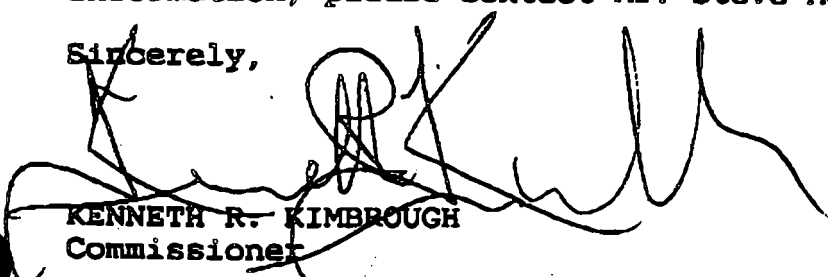
4. Describe briefly any other issues, accomplishments, and problems that your agency has noted that bear on the charge to this Working Group.

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 three waivers of the UFAS.

A Snapshot of HHS Activities: Federal Disability Accommodations

Reasonable Accommodations:

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

Reasonable accommodations for people with disabilities can take many forms, including sign language interpreters for people who are deaf, readers for people who are blind, restructuring jobs, adjusting work schedules, modifying worksites, obtaining specialized equipment and assistive devices, and providing personal care assistants.

- o The Administration on Developmental Disabilities (ADD) has provided guidance to the public and private sector on the promotion and reasonable accommodations for persons with disabilities.
- o The Office of the Assistant Secretary for Personnel Administration (ASPER) has managed a Department wide Interpreter Services Contract since March, 1983. This contract is used to obtain sign language and/or oral interpreting services for deaf, hearing impaired, and deaf/blind employees, applicants for jobs, and beneficiaries of services administered by DHHS.
- o The Department has contracted with an on-line gopher server to connect it to the internet. This new resource will afford wider dissemination of information, announcements, and documents. Thus, promoting departmental responsiveness and dialogue throughout its regions and networks.
- o ASPER, OS and ACF have installed electronic bulletin boards accessible to employees nationwide who have personal computers and modems. Boards post up-to-date information on a number of personnel issues (vacancy announcements, technical updates, newsletters, etc.)
- o Any Department information, announcement, or document is provided in alternative forms by request.
- o For the last three years, all Public Health Service agencies participated in the Marriott Foundation's Bridges program, an innovative supported work program for people with disabilities.

- o HHS hosts a biannual conference for employees with disabilities, where employees, selective placement coordinators, disability program managers, training officers, and facilities managers exchanged techniques for recruiting, hiring, promoting, and accommodating employees with disabilities.
- o Attached are the 1993 objectives for facility accessibility. The forthcoming 1994 report will confirm specific operating unit accomplishments, (next page, Appendix A).

Facility Accessibility

- A. List any unmet objectives for barrier removal that were established in previous submissions but have not been accomplished. Removal strategies are to be revised so that these objectives can be accomplished prior to the end of the fiscal year covered by this plan

Objectives	Original Target Dates	Revised Target Dates	Revised Removal Strategies
OS - Repair automatic openers on the restroom doors identified in the Humphrey building during the yearly safety inspection	FY 92	December 1993	All automatic door openers scheduled for replacement with new equipment in December 1993.
Region VII - Ensure that fire horns are in the elevator lobby and not enclosed in office space due to renovations. Provide amplifiers to make fire horns more audible in the building.	FY 93		GSA reports that this will be done when the fire alarm system is replaced according to the Prospectus Development Study (PDS) now in the data collection and planning process.
-Provide Braille signs for all restroom doors	FY 93		GSA provided signs for first floor and scheduled other floors under the Prospectus Development Study, which is in the planning process.
Region IX - Ensure that interior hallway doors meet pound-of-force standards and all exterior doors have single-action door knobs	FY 1993		Due to the historic trust status of the building, we cannot change the door's original hardware. The closers have been adjusted as much as possible.
PHS - Print and distribute revised accessibility guide for the Parklawn building	Jan. 92	June 1994	Revise guide consistent with new PHS accessibility guidelines

Facility Accessibility (Continued)

Objectives	Original Target Dates	Revised Target Dates	Revised Removal Strategies
-NIH: Review, prioritize, and implement recommendations from <i>Guide to Accessible Facilities at NIH</i> .	FY 92	September 1994	Complete plan by 1997 (provided adequate funds are available).
-NIH/NIEHS (North Carolina): Modify restrooms, fountains, and alarm systems on north campus.	September 1992	March 1994	
ACF- Conduct accessibility survey of all recently occupied ACF buildings.	March 1992	June 1994	Team of individuals with varying disabilities will conduct survey. They will consult and be assisted by the ACF Employees with Disabilities Advisory Committee and the ACF Equal Employment Manager.
-Establish library of equipment resources for making accommodations	March 1993	June 1994	Maintain directory of equipment accommodation resources in headquarters and in each region.

FACILITY ACCESSIBILITY (Continued)

B. List additional objectives for barrier removal during the period covered by this plan.

Objectives	Target Dates
OS - Install signs throughout the Humphrey building that comply with UFAS and ADA	FY 1994 through FY 1998
Region VII - Make all offices accessible for those in wheelchairs	FY 94 through January 1999
PHS - Develop procedures for reviewing accessibility and evacuation methods prior to moving into any new PHS facilities.	January 1994
- Update TDD/TTYs listings	March 1994

Issues, Accomplishments and Recommendations

REPORTS - CED AND EEOC

As of 1993, the Department had a total workforce of 118,823 individuals. Persons with reportable disabilities comprised 6.3% (or 7,486) of the workforce. The Department's 1994 report to the Equal Employment Opportunity Commission is now being prepared.

Based on the recommendation of the HHS Committee for Employees with Disabilities (CED), the Assistant Secretary for Personnel Administration (ASPER) established the Working Group on Career Mobility. Its primary charge was to investigate whether career opportunities for employees with disabilities are more limited than those of their non-disabled coworkers. The evidence presented in this report suggests that a glass ceiling phenomenon may exist resulting in disabled employees' disproportionate representation in the technical/clerical positions, at lower grade levels, and with few opportunities for upward mobility.

Data collected for the Department's annual report to the Equal Employment Opportunity (EEOC) show that a lower percentage of individuals with targeted disabilities receive promotions than the percentage receiving promotions in the total workforce. In addition, the numbers of individuals with disabilities participating in formal developmental programs remain fairly small.

Based on the survey findings, the workforce profiles, and anecdotal experiences, it appears that new Department-wide approach to providing career opportunities for disabled employees should be and is being implemented.

RAPID

As the career mobility working group moved forward its analysis and recommendations, ASPER also established a Disability Initiative Team. This team focused on the development of a functional model that could be implemented by the Department's operating components. The result of the team's efforts is a model entitled RAPID: Recruit and Promote Individuals with Disabilities. The RAPID complements the working group. There are two sections of the RAPID that are particularly applicable to career mobility; they are Career Advancement and Reasonable Accommodations. The RAPID provides a wealth of information on resources and strategies for improving career opportunities. Selective Placement Coordinators and Disability Program Managers have lead programmatic responsibilities for implementing RAPID.

NEW RECRUITING STRATEGIES

For this past year, HHS chose employment objectives that were much more ambitious than those for previous years. We made considerable progress toward those objectives, even though we did not fully attain them. In order to meet our current objectives, we have implemented the following recruiting strategies:

1. Project ABLE, an OPM database to match people with

disabilities and Federal jobs.

2. New recruitment materials, including an open-captioned video and a braille directory of career opportunities for individuals who are deaf, hard-of-hearing, or visually impaired.
3. Electronic bulletin boards and E-mail to announce job vacancies and encourage applicants.
4. An Applicant Flow Data form to measure our recruitment efforts and to determine where to focus our activities.

MENTORING PROGRAM

DHHS is currently beginning a pilot mentoring program to meet affirmative action goals relating to minorities and people with disabilities. The purpose of this program is to provide a positive learning experience and enhance career potential through guidance, direction and support. The program will give employees the opportunity to learn the organizational culture, (business process, values and beliefs, management systems, jobs and structure). Participation in this program will assist with career goals and objectives. Thus, enhancing the long range mobility or advancement of the employee. Initial participants include: Administration for Children and Families (ACF), Office of the Secretary (OS), and Administration on Aging (AOA).

PROJECT ABLE

HHS was instrumental in establishing Project ABLE, a database in OPM's Automated Applicant Referral System that matches people with disabilities with Federal job opportunities. Social Security disability beneficiaries who are "job ready" under the state's vocational rehabilitation programs are eligible for the program. Although currently limited to individuals from Maryland, Virginia, and the District of Columbia, and to Federal employers, Project ABLE may eventually serve as a nationwide database.

OFFICE FOR CIVIL RIGHTS (OCR)

Attached (next page, Appendix B) is a an OCR report, **Investigated Complaints in FY94 Workload Raising Employment Issues**, with Section 504 and ADA Subsets.



DEPARTMENT OF HEALTH & HUMAN SERVICES

Office of the Secretary

Office for Civil Rights
Washington, D.C. 20201

MEMO

DATE: September 26, 1994

FROM: Dennis Hayashi, Director
Office for Civil Rights

A handwritten signature in dark ink, appearing to be "D. Hayashi", is written over the name "Dennis Hayashi" in the "FROM:" line.

TO: Andrea Atran

SUBJECT: Federal Disability Accommodations Working Group
Request for Information

Attached for your information is an Office for Civil Rights (OCR) report, **Investigated Complaints in FY 94 Workload Raising Employment Issues**, with Section 504 and ADA Subsets. This report shows the following statistics:

- o that 17% of all investigated complaints (open or closed as of August 12, 1994) in the FY 94 workload were cases in which only a disability-related employment issue had been raised.
- o that another 2.6% of the total raised a disability-related employment issue as well as a non-employment issue.
- o that in total, 19.5% of the FY 94 workload raised at least one disability-related issue.

OCR is addressing the following accommodation issues which should be brought to the attention of the Working Group:

- o provisions for interpreters for hearing impaired persons seeking medical attention from private practitioners and small providers of health care. Some private practitioners and small providers believe that the ADA imposes an undue burden on their practices.
- o provisions for modification of work schedules, job restructuring, and the use of assistive devices and equipment.
- o provisions for physical accessibility.

As a federal employer, OCR is focusing on modernizing (updating) devices utilized to provide accommodations for its employees. Such efforts include upgrading personal computer equipment and software for visual impaired employees, upgrading and expanding TTD equipment, increased use of scanners and voice recognition technology.

Formats used by OCR, both for its employees and customers, include TTD, braille, large print, tapes and computer discs(floppies).

Also attached for your information is a listing of OCR issuances under Section 504.

Attachments

TOTAL FY 94 INVESTIGATED COMPLAINT WORKLOAD (Through August 12, 1994):	1321
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INVESTIGATED COMPLAINTS IN FY 94 WORKLOAD RAISING EMPLOYMENT ISSUE
(With Section 504 and ADA Subsets)

AUTHORITY	EMPLOYMENT ISSUE(S) ONLY	% OF ALL EMPLOYMENT ISSUE(S) ONLY	% EMPLOYMENT OF ALL INVESTIGATED WORKLOAD	EMPLOYMENT & OTHER ISSUE(S)	% OF ALL EMPLOYMENT & OTHER ISSUE(S)	% EMPLOYMENT & OTHER OF ALL INVESTIGATED WORKLOAD	TOTAL WITH AT LEAST ONE EMPLOYMENT ISSUE	% OF ALL WITH AT LEAST ONE EMPLOYMENT ISSUE	TOTAL WITH AT LEAST ONE EMPLOYMENT ISSUE AS % OF ALL INVES. WORKLOAD
Section 504 only	129	54.4%	8.8%	16	37.2%	1.2%	145	51.8%	11.0%
Section 504 and ADA Title II	72	30.4%	5.5%	11	25.6%	0.8%	83	29.6%	6.3%
Section 504, ADA Title II & Other	1	0.4%	0.1%	1	2.3%	0.1%	2	0.7%	0.2%
Section 504 and Other (non-ADA)	17	7.2%	1.3%	6	14.0%	0.5%	23	8.2%	1.7%
Section 504 and ADA Title I	4	1.7%	0.3%	0	0.0%	0.0%	4	1.4%	0.3%
Section 504, ADA Title I & Other	1	0.4%	0.1%	0	0.0%	0.0%	1	0.4%	0.1%
All Sec. 504 &/or ADA w/Employment Issue	224	94.5%	17.0%	34	79.1%	2.6%	258	92.1%	19.5%
All Other Authorities w/Employment Issue	13	5.5%	1.0%	9	20.9%	0.7%	22	7.9%	1.7%
Total Inves. Workload w/Employment Issue	237	100.0%	17.9%	43	100.0%	3.3%	280	100.0%	21.2%

Written Reports and Publications

SECTION 504 PUBLICATIONS DEVELOPED BY OR AVAILABLE THROUGH THE OFFICE OF CIVIL RIGHTS

REGULATIONS

45 CFR Part 84, Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefitting from Federal Financial Assistance

45 CFR Part 95, Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities Conducted by the Department of Health and Human Services

FACT SHEETS

Your Rights as an Individual with Handicaps Under SECTION 504
(Available in English, Spanish, Korean, Vietnamese, Tagalog, and Haitian Creole)

Your Rights as a Person with HIV Infections, AIDS, or Related Conditions (Available in English, Spanish, Korean, Vietnamese, Chinese)

OTHER PUBLICATIONS

Section 504 of the Rehabilitation Act of 1973 Briefing Guide

Institutional Health Care Providers (Medicare/Medicaid Recipients), Section 504: Nondiscrimination on the Basis of Handicap

Accessibility Modifications (Guidelines for Modifications to Existing Buildings for Accessibility to the Handicapped)*

Uniform Federal Accessibility Standards (Presents uniform standards for the design, construction, and alteration of buildings so that physically handicapped persons will have ready access to and use of them in accordance with the Architectural Barriers Act)*

* These are not OCR publications but due to the nature of the information, they have obtained supplies that are distributed to their constituencies.

OTHER REPORTS AND BROCHURES

- o The HHS Committee for Employees with Disabilities, Career Mobility Working Group, created a report examining issues and recommendations related to this Department's employees with disabilities. The analysis utilizes focus group findings, workforce profiles, and the results of a Department wide survey. To the best of our knowledge, this is the first time a study of this type has been done anywhere in the Federal government. We expect these findings will also be of interest to the larger Federal community.

- o A disability team was established that focused on the development of a functional model for the recruitment, employment and advancing of people with disabilities. The result of the team's efforts is a model entitled RAPID, (Recruit and Promote Individuals with Disabilities). The RAPID complements the working group. The RAPID provides a wealth of information on resources and strategies for improving career opportunities. Selective Placement Coordinators and Disability Program Managers have lead programmatic responsibilities for implementing RAPID.
- o Currently, the RAPID resource list is being revised and will be automated by being posted on the ASPER and OS bulletin board. RAPID appendices have been placed on diskettes. Individuals outside and within the Department will be notified of its electronic availability.
- o PHS has created a directory of information technology accommodations for persons with disabilities. The main purpose of the directory is to help PHS Information Resource Management (IRM) Directors and other managers and supervisors to better understand information technology accommodation, (ITAs), so that they can be of greater assistance to employees with disabilities. An information technology accommodation, (ITA) is any device or software which helps a person with a disability to use general purpose or scientific office equipment, such as computers, telephones, filing systems, copiers, recorders and the like. The Federal Information Resources Management Regulations (FIRMR) addresses agencies' responsibilities with regard to providing equal access to information technology. The Directory can assist in this effort by offering the combined ITA experience of all PHS Agencies.
- o HHS' 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.