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FolderID:

Folder Title:

Workgroup Materials - Continued: Accommodations Work Groups

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Position:

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• Mike Winter

• minutes

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• document

• Mike Winter

Dept Transportation

400 7th St SW

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• Paul Virel

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(has minutes &
doc)

✓ • Judy Homan

• reports

• agenda

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✓ Pierre Davis (only late reports)

✓ **FEDERAL DISABILITY ACCOMMODATIONS WORKING GROUP**

~~Subgroups and preliminary and partial analysis of~~ ^{revised}
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) *two*
- * FTE pool allocated ~~2~~ 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 dept-wide interpreter services contract (since 3/83) (HHS, p.1) *internal*
- * 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 annually *transitions* ~~(mayre)~~ in Marriott Foundation's Bridges program for people with disabilities (HHS, p.1) *young adults*
- * 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 ~~established~~ findings resulted in new dept-wide approach ~~under that implementation~~ including new recruiting and promoting strategies, mentoring program, & project ABLE *W* [automated applicant referral system matching people with disabilities with Federal job opportunities] (HHS, pp.6-7)
- * OCR addressing accommodation issues 1) provision for *persons* interpreters for hearing-impaired, ~~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)

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- * 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 & ~~uses~~ 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 ~~and~~ 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 Spec. Ed. and Rehabilitative Services ~~task order~~ 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 dept. info, announcement or document is provided in alternative format by request (HHS, p.1)
 - * addressing issue of provision of info in accessible formats

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- (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 94 were disability-related employment issues (HHS, p.8)
- * *new* ~~instituted procedures for complaint charges based on employment disability subject to Section 503 of Rehabilitation Act ~~as amended~~ and ADA (DOL, p.5) - the~~ *complaints*
- * regulations issued to provide uniform procedures for implementing nondiscrimination provisions of Job Training Partnership Act (DOL, p.5)

Revised October 5, 1994

~~2) Building and other accessibility design issues:~~

THE WHITE HOUSE
WASHINGTON

TO: Members of Federal Disability Accommodations Working Group
FROM: Stanley S. Herr, Chair
SUBJ: Minutes of Second Meeting and Next Steps
DATE: October 3, 1994

On September 29, the DPC's Federal Disability Accommodations Working Group with 22 members in attendance representing 20 agencies met at the Old Executive Office Building for 95 minutes.

Our next meeting will be held on November 17th, 2:00 to 3:30 in the White House Conference Center, Eisenhower Room (second floor) 1726 Jefferson Place, NW. Please confirm your attendance by calling Beverly Pechtel at 456-5571 or faxing to 456-7028.

We agreed to form subgroups that would meet in the interim to frame major recommendations and findings in their respective area of focus. Attached please find suggested compositions of those working groups based on your indications of preference at the last meeting. Each subgroup has a listed coordinator, and you each have a list of the full working group to facilitate communication. If you have any questions, or would like a different assignment (some of you had listed more than one preference, and others of you missed the last meeting), please feel free to call me at 456-5570.

To clarify a point I raised at the last meeting, we need only make a status report to update the Domestic Policy Council on our progress by the end of November. We will be able to go beyond that time to make our final report. If we are able to exchange draft recommendations in November, we will be well on track.

The September 29th meeting closely followed our agenda and included informative presentations by the following individuals:

- John Wodatch (Civil Rights Division, Justice Department) described the purpose of the "Primer on Disability Laws that Apply to the federal Executive Agencies" (distributed in the packet of reports). He also announced the largest monetary settlement to-date by the Justice Department of a public accommodations claim, involving access to dental care by individuals with AIDS/HIV.

- Karen Megorden and Curtis Kron (Bureau of Reclamation, Department of Interior) made a full presentation on the Accessibility Data Management System (ADMS). Since they provided everyone with a briefing package, I would summarize here that ADMS become operational this month (October 1994); offers a management tool, database, and public access directory; will reduce reporting time by 60%; and has as its goal a common system for Federal agencies to track complaints, measure compliance, and inform the public of accessibility features in its various programs. ADMS has incurred \$1.5 million in development costs.

- Bob Williams (Administration of Developmental Disabilities, Department of Health & Human Services) queried whether ADMS would cover section 508 issues, and was advised that it was on the list for future enhancements of the system.

- Howard Moses (OSERS, Department of Education) led off the discussion of agency "snapshot reports" by identifying such problems as the need for more FTE slots to permit the hiring of individuals with disabilities who require interpreters and assistants for workplace accommodations; the provision of centralized departmental funding for making documents accessible in alternative formats; making computer systems accessible, especially windows-based systems and voice mail; and recruitment and dispersal of employees with disabilities throughout the department rather than the ghetto effect of concentrating them in disability-related programs.

- Marilyn Thornton (Career Entry Group, OPM) noted that two systems are in existence to support recruitment of persons with disabilities as federal employees.

- Lila Farazian (Department of Energy) echoed some of the above listed problems and noted that some exemptions might be needed against hiring ceilings, the lack of FTE slots due to downsizing of the government, and an emphasis on making accommodations at a time when bringing on new employees is difficult.

- Stan Herr (Domestic Policy Council) closed by noting that any further reports and updates from the agencies would be welcomed. The ultimate aim of the Working Group is to prepare a concise report with practical recommendation to the full Domestic Policy Council that would emphasize common problems faced by the various agencies and possible solutions that would advance the dialogue and produce real change. The next meeting was called for November 17th in the White House Conference Center, as noted above. Draft recommendation or other subgroup comments for circulation at that meeting should reach Stan by November 15th.

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Meeting of Federal Disability Accommodations Working Group

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

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



U.S. Department of Justice

Civil Rights Division

Public Access Section

P.O. Box 66738

Washington, D.C. 20035-6738

SEP 27 1994

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

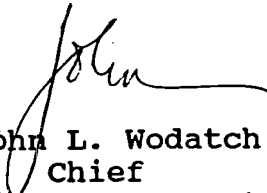
Dear Stan:

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

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

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

Sincerely,


John L. Wodatch
Chief
Public Access Section

Enclosure

cc: Deval L. Patrick



U.S. Department of Justice

Civil Rights Division

Washington, D.C. 20530

A PRIMER Disability Laws that Apply to the Federal Executive Agencies

A. BUILDINGS

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

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

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

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

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

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

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

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

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

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

B. EMPLOYMENT

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

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

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

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

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

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

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

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

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

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

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

C. FEDERAL PROGRAMS, SERVICES, AND ACTIVITIES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

D. THE AMERICANS WITH DISABILITIES ACT

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



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.

PURPOSE: ACTION

DATE:

TO: The Executive Management Council
Through: ES _____FROM: Judith E. Heumann, Assistant Secretary, USERS
Rod McCowan, Assistant Secretary, OHRASUBJECT: 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

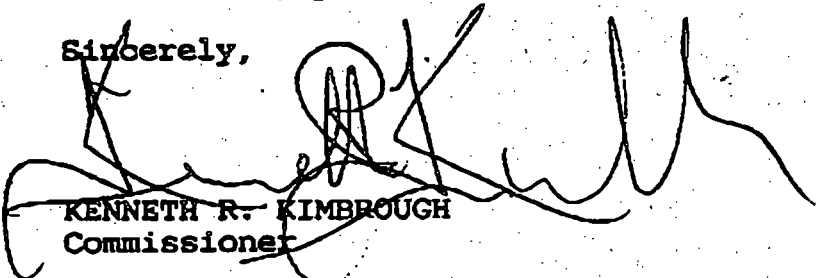
4. Describe briefly any other issues, accomplishments, and problems that your agency has noted that bear on the charge to this Working Group.

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 three¹¹ 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 <i>Minimum Guidelines and Requirements for Accessible Design</i> and the <i>Uniform Federal Accessibility Standards</i> 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:

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August 1994

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ZIP: 222

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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 systems¹² are provided in the Public Information Office and at individual work stations.
- For individuals with a sight impairment, public access, information, and emergency signs have the information in braille. Recently released data from BEA is available in voice recorded messages for sight impaired clients and the general public.

Census Bureau

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

National Institute of Standards and Technology

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

National Oceanic and Atmospheric Administration

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

Patent and Trademark

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

VA Directive #6621 "Accessible Technology"

VA Barrier Free Design Handbook

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

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

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

OPM's Handbook of Job Analysis for Reasonable Accommodation"

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

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

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

EEOC's Memorandum "Individuals with Hearing Impairments"

ICHE's Memorandum "Individuals with Learning Disabilities"

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

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

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

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

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

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

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

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

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

**Department of
Veterans Affairs**

Memorandum

Date: **AUG 05 1994**

From: Acting Assistant Secretary for Policy and Planning (008)

Subj: Special Account for the Purchase of Adaptive Technology

To: Secretary (00)

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

Subject: Special Account for the Purchase of Adaptive Technology

6. Recommendations:

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

☒ Approved
☐ Disapproved

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

☒ Approved
☐ Disapproved

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

☒ Approved
☐ Disapproved

Signature:

Jose Brown

Date:

AUG 10 1994

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

for Edward Chow, Jr.
H. David Burge



Department of Energy

Washington, DC 20585

September 21, 1994

TO: STANLEY S. HERR

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

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

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

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

A handwritten signature in cursive script, reading "Lila Farazian", is positioned above the printed name.

Lila Farazian
Coordinator, Affirmative Employment
Program for People with Disabilities

Encl.



DISABILITY-RELATED ISSUES CURRENTLY ADDRESSED
BY THE DEPARTMENT OF ENERGY

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

EMPLOYMENT ISSUES:

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

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

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

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

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

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

ACCOMMODATIONS ISSUES:

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

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

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

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

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

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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.