

# **SECTION 504/ADA TECHNICAL ASSISTANCE HANDBOOK**

Prepared By

Division of Community Services  
1600 East Century Avenue, Suite 2  
PO Box 2057  
Bismarck, North Dakota 58502-2057  
(701) 328-5300 Phone  
(701) 328-2308 Fax

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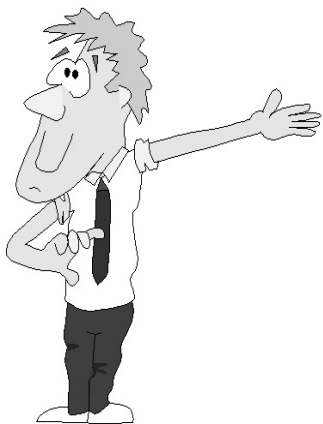


**ALTERNATIVE FORMATS FOR DISABLED  
PERSONS ARE AVAILABLE UPON REQUEST**

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## INTRODUCTION



The Division of Community Services (DCS) is committed to educating local governments on the requirements of Section 504 of the Rehabilitation Act and the Americans with Disabilities Act (ADA).

Under Section 504, state and local governments and other entities receiving federal assistance are required to make their programs, activities, and services accessible to individuals with disabilities. Title II of the ADA extends this requirement to all state and local governments, whether or not they receive federal funds. Title II applies regardless of the public entity's size and seeks to ensure access to all publicly funded programs, services, and agencies. Public entities that receive federal funds are subject to the requirements of both the ADA and Section 504.

The DCS has developed a standardized approach to assist in achieving compliance with these laws. This approach integrates the differences and similarities of Section 504 and the ADA.

The DCS believes that cities, counties, and individuals with disabilities can work together as a team to promote the exchange of information and develop positive working relationships. Careful planning, aggressive outreach, and a strong commitment by citizens and officials alike are basic building blocks to ensure an on-going accessibility program. The end result is that the programs, services, and activities of all communities in North Dakota will be accessible for all people.

### **How Do I Use this Handbook?**

This handbook is a guide for communities and other entities that receive federal funding from the DCS. You can use this handbook as a workbook. As you complete the exercises in the handbook, think of your city's, county's or organization's programs, services and activities and make notes to address in the Self-Evaluation. This handbook should not be considered as legal advice in replacement of the federal regulations. In some areas we make reference only to the ADA because all levels of government must comply with the ADA. However, these areas of the book are also pertinent to Section 504.

Information from this handbook can help you develop an ongoing accessibility program to make your services, activities, and programs accessible for individuals with disabilities. For further clarification on Section 504 and the ADA, consult the applicable federal regulations and the ADA's Title II Technical Assistance Manual, or call Rich Gray at 328-3698.

### **Overview of Each Section**

**Section I** (pages 5-7) of this handbook contains a checklist that is to be completed and submitted to the DCS, along with your Self-Evaluation and Transition Plan. This is a guide to assure that you complete all requirements of the Self-Evaluation and Transition Plan.

**Section II** (pages 8-46) of this handbook is the **Self-Evaluation** process. It contains information and written exercises that you should read and complete before conducting the Self-Evaluation of your programs, policies, and procedures. The following is an overview of Section II.

A. **Informational worksheets** on how to accomplish the following requirements:

- STEP 1: Designate a 504/ADA Coordinator
- STEP 2: Organize a Citizen Review Committee
- STEP 3: Develop Your Policy on Nondiscrimination
- STEP 4: Develop Your Grievance Procedure
- STEP 5: Provide Effective Communication
- STEP 6: Provide Auxiliary Aids and Services

B. **Questions on disability, employment, and Title II activities** to help you understand common practices of discrimination and recognize common problems in your Self-Evaluation. Keep in mind that as circumstances change, the answers to these questions may also change. Therefore, it is essential that you apply the 504/ADA regulations on a case-by-case basis.

C. **A Self-Evaluation questionnaire** to assist in your review of city/county programs, policies, and procedures. Complete this questionnaire after you work through the activities in parts A and B above. This questionnaire and its results constitute your Self-Evaluation.

**Section III** (pages 47-67) of this handbook is about the **Transition Plan**. It contains information you will need to complete before developing your Transition Plan, and it contains the outline you need to complete for each building requiring structural changes. Worksheets are included that focus on structural modifications to make your programs accessible. An accessibility checklist is included on pages 50-67. A more complete Americans with Disabilities Act Accessibility Guidelines Checklist can be obtained from the DCS.

Once you complete all of the exercises and provide all necessary documentation in Sections II and III, you will be prepared to make the changes to comply with Section 504, and the ADA requirements. *DOCUMENT EVERYTHING THAT YOU DO SO THAT YOU WILL BE ABLE TO DEMONSTRATE A GOOD FAITH EFFORT.*

### **Why Do We Have to Complete a Self-Evaluation and Transition Plan?**

These documents will help you review your programs, services and activities to determine what you must do to make your services available to individuals with disabilities. Your goal is to meet the standard known as “Program Accessibility.” In addition, both Sections 504 and the ADA require these to be completed.

### **What Does Program Accessibility Mean?**

A public entity (state and local government) or any entity that receives federal funds may not deny the benefits of its programs, activities, services to individuals with disabilities because its facilities are inaccessible. When viewed in their entirety, an entity’s services, programs, or activities, must be accessible to and usable by individuals with disabilities.

This standard is known as “**program accessibility**,” and it applies to all existing facilities (buildings, parks, etc.) of an applicable entity. However, applicable entities are not necessarily required to make each of their facilities accessible. In many cases, providing access through structural changes may be the most effective way of providing program access. BUT, program accessibility may be provided in ways other than structural modifications.

When choosing a method for providing program access, an entity must give priority to the method that results in the most integrated setting appropriate to encourage interaction among all users, including individuals with disabilities.

This Self-Evaluation process is critical in determining how to make your programs accessible. Without, a comprehensive evaluation, it is difficult for an applicable entity to determine how to make its programs, services, and activities accessible when viewed in their entirety.

### **Is a City, County, or Organization Required to Make Programs Accessible If No Individuals with a Disability are Known to Live in the Community?**

YES. You must make programs accessible even if no individuals with disabilities live in the community. In the future some residents may become disabled, or someone with a disability may become a new resident.

### **What Are Some Examples of Providing Program Access Without Making Structural Changes?**

- ☞ Purchase equipment
- ☞ Provide qualified aids
- ☞ Move programs to accessible locations
- ☞ Modify existing equipment

### **What Are Some Examples of Providing Program Access Through Structural Changes?**

- ☞ Build a ramp
- ☞ Modify the bathrooms
- ☞ Install a lift or elevator
- ☞ Provide accessible parking spaces
- ☞ Install curb ramps

### **Is There a Time Period for Achieving Program Accessibility?**

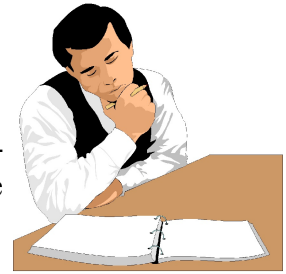
For the ADA, public entities were required to achieve program accessibility by January 26, 1992. **If structural changes are needed to achieve program accessibility, they must have been made no later than January 26, 1995.** This 3-year time period was not a grace period; instead, it was a deadline, meaning that all changes were to be made as soon as possible.

### **How Do I Organize the Self-Evaluation and Transition Plan?**

You should use a 3-ring binder to organize the Self-Evaluation and Transition Plan documentation. Tab the sections in your binder to help you locate information easily.

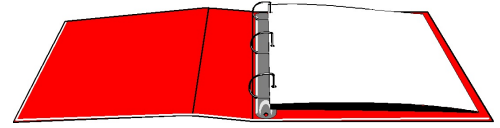
## **Why Should I Organize the Documentation in a 3-Ring Binder?**

By using a 3-ring binder, you can monitor and update the plans as your entity progresses in its 504/ADA compliance efforts. If there is a request to review efforts to comply with 504/ADA, all documentation will be organized in one binder. Your plans are living documents to be used, not placed on a shelf and forgotten. From time to time, as things change, you will want to revisit your Self-Evaluation and Transition Plan for updating. In addition, you will want to use the information to train existing and new staff on policies and procedures related to 504/ADA.



## SECTION I CHECKLIST

**Organize Your Self-Evaluation Plan:** As you include the documentation on the following items in your Self-Evaluation and Transition plans, check off each item in the list.



**Designated Employee** (Required under Section 504 when an entity has more than 15 employees, and under ADA for 50 or more employees).

- Not applicable – less than 15/50 employees.
- Name of 504/ADA coordinator – complete and include page 11 with your Self-Evaluation.

**NOTE:** If not required to designate a coordinator, complete page 11 for person responsible for the Self-Evaluation.

**Citizen Participation** - You are required to consult with people with disabilities or organizations representing persons with disabilities.

- Name of committee members and their background.
- Committee meeting minutes.
- Minutes of city council or commissioner meetings pertaining to ADA/504 issues.

**Notification of Nondiscrimination** (Required under Section 504 when an entity has more than 15 employees, and under ADA for 50 or more employees).

- Not applicable – less than 15/50 employees.
- Copy of your policy on nondiscrimination (see page 16 for an example).
- Copy of the notice published in the newspaper (see page 15 for an example).

**Grievance Procedure** (Required under Section 504 when an entity has more than 15 employees, and under ADA for 50 or more employees).

- Not applicable – less than 15/50 employees.
- Copy of your grievance procedure (see page 18 for an example).
- Statement in your nondiscrimination notice that a grievance procedure is available.
- Methods on how you will notify the public and staff about your grievance procedure.

### **Provision of Effective Communication**

- Copy of your policy on effective communication (see page 20 for an example).
- Steps (procedures) that will be taken to ensure that the policy is carried out.
- Methods on how you will inform the public that your city or county will provide effective communication.

### **Provision of Auxiliary Aids and Services**

- Description of the methods for providing auxiliary aids and services.
- Description of how a person with a disability can request auxiliary aids and services.
- Steps by which you will advertise to individuals with disabilities that the city or county will provide auxiliary aids and services.
- Description of the methods your city or county will use to ensure that meetings, hearings, and conferences are accessible for individuals with communication disabilities.
- Description of how your city or county will provide effective communication over the telephone.
- Description on how your city or county will provide alternative formats for written materials.

### **Self-Evaluation Questionnaire**

- Completion of the Self-Evaluation questionnaire on pages 41-46.
- Documentation to support answers in the questionnaire.
- Description of all policies, procedures, or unwritten practices that discriminate or exclude individuals with disabilities.
- Description of all policies, procedures, or unwritten practices that you will create or modify to prevent discrimination.
- A copy of all final modifications to policies, procedures, and practices.

### **Accessibility Checklist**

- Completion of accessibility checklist.
- Identify structural barriers that can be overcome through nonstructural changes, i.e. moving a service from one floor to an accessible floor.
- Completion of ADA/504 Transition Plan Outline for each building in which structural changes must be made to achieve accessibility, because no non-structural solution is available.



## **Fundamental Alteration and Undue Burden**

- Policy on using fundamental alteration and undue burden when providing program accessibility (see page 28 for definition).
- Written documentation supporting your entity's reason for claiming this standard.
- Documentation that all resources available for funding and operation of the service, program, or activity were taken into consideration.
- Documentation that the decision to claim this standard was made by the head of the city, county, or organization.
- Description of alternative modifications or methods that are feasible to ensure that your city, county, or organization does not discriminate.

## **Submit the Self-Evaluation and Transition Plan to the DCS. Include:**

- Checklist from pages 5-7.
- The Self-Evaluation Checklist (pages 41-46). Include name of entity, contact person, and telephone number.
- The ADA/504 Transition Plan Outline on pages 48-49, for each building.

## SECTION II SELF-EVALUATION PROCESS

### Why Do We Have to Conduct a Self-Evaluation?

The basic mandate of Section 504 and Title II of the ADA states that “*no qualified individual with a disability shall be excluded from participation, denied benefits, services, access to programs, or activities, or be subjected to discrimination by any public entity.*”



**All public or other applicable entities, regardless of size, must conduct a Self-Evaluation.** The Self-Evaluation is a comprehensive review of an entity’s policies and practices. The Self-Evaluation includes communication and employment, as well as the policies and practices for all services, programs, and activities. The Self-Evaluation must involve:

- **Identifying** any services, policies, or practices that discriminate against or exclude people with disabilities.
- **Modifying** all services, policies, and practices that are discriminatory or exclusionary.

### Information to Include in the Self-Evaluation

- List of interested persons (to include persons with disabilities or persons representing them) consulted about the Self-Evaluation
- Description of the areas examined and any problems identified
- Description of any modifications made to your policies, procedures, services, and programs

### How Long Do We Have to Complete a Self-Evaluation?

For the ADA, the Self-Evaluation *should have been completed by January 26, 1993*. However, public entities have been liable for any discriminatory policies or practices since January 26, 1992. Therefore if any practices are identified during the review, your city or county must modify them immediately. For other entities required to do a Self-Evaluation because of Section 504, it must be completed and submitted to the DCS before the DCS approves a new grant or the final drawdown of funds.

### How Do We Begin the Self-Evaluation Plan Process?

- Compile a list of all of your entity’s programs, activities, and services.

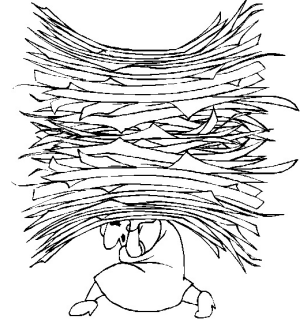
- Gather all materials available that may describe or govern how your programs, services, and activities are administered. Frequently, written information is not available for review; therefore, it is important to include staff who understand how your programs operate. If staff are not available to participate, schedule interviews to help conduct the Self-Evaluation.
- Create a committee and organize the members into small groups to work on certain areas of the review process (for example, program policies and procedures, employment, effective communication, notice of nondiscrimination, city/county codes, and ordinances). If you do this, make sure that the small groups take detailed notes so they can present their findings to the entire committee. Remember, their findings will be included in the Self-Evaluation plan. For entities with less than five employees, they all should be included in the process. The committee should also include persons with disabilities.
- Before the Self-Evaluation review is started, have your committee members complete the exercises in this handbook (pages 31-39). These exercises will help your committee members understand the Self-Evaluation and Transition Plan process.
- Review and complete, as applicable, pages 10-29.
- Complete the Self-Evaluation questionnaire on pages 41-46.
- Identify policies, procedures, etc. the need to be modified or created.
- Present the Self-Evaluation to your city council, county commissioners, board of directors, etc.

## 504/ADA COORDINATOR

### Step ①: Designate an Individual Who Will Coordinate Your 504/ADA Compliance Efforts.

#### 1. Why should you designate a 504/ADA Coordinator?

- The coordinator will make sure the Self-Evaluation and Transition Plan are completed and that recommendations are implemented.
- The coordinator will help put together and coordinate your review committee.
- The coordinator will draft a Notice of Nondiscrimination and ensure that it is posted regularly.
- The coordinator will develop a grievance procedure and ensure that it is made available to the public and employees.
- The coordinator will receive and investigate grievances on city or county programs, services, and employment practices.
- The coordinator will help organize training activities on Section 504 and the ADA.
- The coordinator can help monitor and prevent potential discrimination acts.
- The coordinator can help keep you up to date on 504/ADA regulations.
- The coordinator is a contact person for individuals with disabilities who is available and knowledgeable on 504/ADA issues.



#### 2. What are some important qualities that a 504/ADA Coordinator should possess to be effective?

- The 504/ADA coordinator should be an employee of your entity (if there are no employees, designate a person who has the authority to represent the city, county, or organization, such as the mayor, a city council person or a county commissioner).
- The 504/ADA coordinator must have the authority, knowledge, and motivation to carry out 504/ADA regulations.
- The 504/ADA coordinator should be organized and experienced in collecting and analyzing information.
- The 504/ADA coordinator should have the skills to coordinate, train, and motivate a citizen review committee.

**3. Who is your 504/ADA Coordinator? Fill in the blanks.**

**Name** \_\_\_\_\_

**Title** \_\_\_\_\_

**City/County/Organization** \_\_\_\_\_

**Address** \_\_\_\_\_

**Telephone Number** \_\_\_\_\_

**Office Hours** \_\_\_\_\_

If this person is different from the person responsible for the Self-Evaluation and Transition Plan, provide the above information for that person.

## REVIEW COMMITTEE

### Step ②: Organize a Review Committee That Can Help with Your 504/ADA Compliance Efforts



#### 1. Why should you use a review committee?

- The review committee can help conduct the Self-Evaluation and Transition Plan review.
- The committee can help you identify architectural, communication, and policy barriers that may prevent people with disabilities from accessing your services.
- The committee can gather input from interested individuals who have expertise with a disability. Their suggestions may provide creative solutions to problems that seem impossible to solve. In addition, their recommendations may be more cost effective and better meet the needs of individuals with disabilities.
- The committee can help enforce a good-faith effort, and increase public relations, cooperation, and teamwork with your city or county.
- The committee can initiate public support for 504/ADA compliance efforts.
- The committee can help your 504/ADA coordinator monitor progress in eliminating discriminatory practices and structural barriers.

#### 2. How can you organize a review committee?

- Ask people you know who have a disability.
- Advertise in the paper, newsletters, posters, grocery stores, and other public places.
- Designate a member from your committee to chair the meetings of the review committee.

#### 3. How many people should be on your committee?

Your committee should not be too big or too small. There is no specific limitation on the number of people you need on your committee. If your committee is too big, it may be difficult to make decisions. On the other hand, if the committee is too small, you may not get a good representation of different ideas and experience. A general standard ranges from four to five people.

*Keep in mind that committee members will not possess the same qualities. Therefore, it is important to get a good representation of individuals on your panel. The members of your committee should be made up of individuals who have different disabilities, other interested persons from your community, and staff from your city, county or organization.*

**4. Overall, committee members should have the following:**

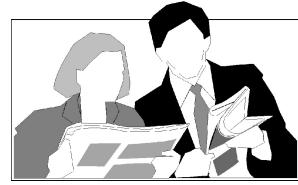
- Commitment and willingness to participate in training on 504/ADA
- Positive attitude toward civil rights for people with disabilities
- Individuals who have disabilities
- Individuals who work with people who have disabilities
- Knowledge of discrimination and access issues
- Knowledge of your services and programs
- Knowledge of the Americans with Disabilities Act Accessibility Guidelines (ADAAG)

**5. If you can't find individuals who have disabilities, what do you do?**

- Contact human service groups/organizations.
- Advertise in your local newspaper, on the radio, in newsletters, and by word of mouth.
- Go beyond your city or county boundaries.

## NOTICE OF NONDISCRIMINATION

**Step ③: You Must Adopt a Public Policy on Nondiscrimination and Notify the Public on an Ongoing Basis That Your City, County, or Organization Does Not Discriminate.**



**1. Why is it important to develop and post a public notice that your entity does not discriminate?**

- To advertise to the public that you are making a good faith effort to comply with 504/ADA.
- To notify individuals with disabilities that you have a designated 504/ADA coordinator.

**2. What information do you need to include in the public notice?**

- A statement that your entity does not discriminate under Section 504 or the ADA.
- Your 504/ADA coordinator's name, address, telephone number, and office hours.
- A statement that your entity has a grievance procedure available to resolve complaints.
- A statement that your entity provides auxiliary aids and services for the provision of effective communication.

**3. How often should you post the nondiscrimination notice to the public?**

You should publish your policy once a year. A sample notice and policy are included on pages 15 and 16.

**4. Describe how you are prepared to handle requests for auxiliary aids and services or other accommodations effectively.**

You may want to include a statement in public documents or public hearings, etc. that asks for at least three to five days advance notice to request auxiliary aids or services. This advance notice will help you locate effective auxiliary aids or services to meet the effective communication standard. However, the advance notice does not relieve you of the responsibility to be prepared to provide other services that can be provided on request. Your staff should always be prepared for such requests.





## SAMPLE NOTICE ON NONDISCRIMINATION

As required by Section 504 of the Rehabilitation Act (as amended) and the Americans with Disabilities Act (ADA), *Name of Entity* has adopted by resolution a policy regarding “Nondiscrimination on the Basis of Disability.”

*Name of Entity* does not discriminate on the basis of disability in the admission to, access to, or operations of programs, services or activities.

Qualified individuals who need accessible communication aids and services or other accommodations to participate in programs and activities are invited to make your needs and preferences known to the 504/ADA coordinator. Please give us at least three to five day’s advance notice so we can adequately meet your needs.

An internal grievance procedure is available to resolve complaints. Questions, concerns, or requests for additional information regarding 504/ADA should be forwarded to:

504/ADA Coordinator’s Name \_\_\_\_\_

Title \_\_\_\_\_

Address \_\_\_\_\_

Phone Number \_\_\_\_\_ TDD \_\_\_\_\_

Days and Hours Available \_\_\_\_\_

Upon request, this notice and other materials may be made available in alternative formats (for example, large print or audio tape) from the 504/ADA coordinator.

**POLICY REGARDING NONDISCRIMINATION  
ON THE BASIS OF DISABILITY**

A resolution of the City/County of \_\_\_\_\_, North Dakota adopting a policy of nondiscrimination on the basis of disability.

Whereas, the Congress of the United States has passed Section 504 of the Rehabilitation Act of 1973, which requires that “no otherwise qualified individual with a disability shall, solely on the basis of his or her disability, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program, services, or activities receiving federal assistance”; and

Whereas, the City/County of \_\_\_\_\_ has applied for/received Federal funds and is required to comply with Section 504 of the Rehabilitation Act of 1973; and

Whereas, the failure to comply with the terms and conditions of Section 504 of the Rehabilitation Act may cause the City/County to lose its grant or eligibility for future grants;

Now, therefore, be it resolved by the Mayor/Commissioner and the Council/Commission of the City/County of \_\_\_\_\_, North Dakota the following:

Section I. It is the policy of the City/County that all programs and activities shall be accessible to, and usable by, qualified persons with disabilities, in accordance with Section 504 and the Americans with Disabilities Act (ADA).

Section II. That the City/County shall conduct a Self-Evaluation, with the assistance of a review committee involving individuals with disabilities, of its programs, policies, procedures, and facilities to determine those areas where discrimination may occur.

Section III. The City/County shall, upon completion of the Self-Evaluation plan, make revisions, modifications, or other changes so as to fully comply with the letter and intent of Section 504 and the ADA.

Section IV. Further, the City/County shall, where building modifications are required, develop and implement a Transition Plan for eliminating structural barriers in a timely manner in accordance with Section 504 and the ADA.

Citizens may contact (designated employee) at (address), (telephone number) for assistance, or to answer questions regarding this policy during the hours of \_\_\_\_\_.

Passed by City/County of \_\_\_\_\_, North Dakota.

Signed By \_\_\_\_\_ Title \_\_\_\_\_

Date \_\_\_\_\_ Attest \_\_\_\_\_

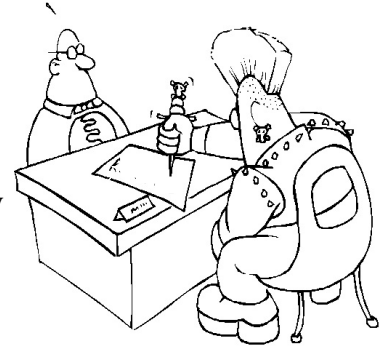
(Other entities should change the wording as appropriate to indicate who they are and how the policy was developed)

# GRIEVANCE PROCEDURE

## Step ④: Adopt a Grievance Procedure for the Public and Your Employees to Resolve Complaints at a Local Level.

### 1. What is a grievance procedure?

- A written description of steps that an employee or citizen can use to resolve a complaint with your city or county, or organization.



### 2. Why is it important to have a grievance procedure?

- To resolve complaints rather than have an individual file a complaint with a state or federal agency or file a lawsuit.
- Demonstrate to those who have complaints that you want to make every effort to address their concerns.

### 3. What information should be included in the grievance procedure?

- A detailed description on how to file a grievance.
- A two-step review process that allows for appeal.
- Reasonable time frames for review and resolution of the grievance.
- Name, address, and telephone number of the person who will receive and follow-up on the grievance.
- A statement that informs individuals that alternative ways of filing complaints (such as personal interviews or a tape recording of the complaint), is acceptable. See page 18 for a sample grievance procedure.

### 4. How often should a grievance procedure be published?

- You need to make sure that you notify the public on an ongoing basis that you have a grievance procedure available for use. A notice about the availability of your grievance procedure should be included in your public notice. See page 15 or an example of your public notice.

**SAMPLE  
GRIEVANCE PROCEDURE FOR A  
CITY/COUNTY**

The following grievance procedure is established to meet the requirements of Section 504 of the Rehabilitation Act as amended and the Americans with Disabilities Act of 1990 (ADA).

According to these laws, *(Name of the City/County)* certifies that all citizens shall have the right to submit a grievance on the basis of disability in policies or practices regarding employment, services, activities, facilities, or benefits provided by *(Name of the City/County)*.

When filing a grievance, citizens must provide detailed information to allow an investigation, including the date, location and description of the problem. The grievance must be in writing and must include the name, address, and telephone number of the complainant. ***Upon request, alternative means of filing complaints, such as personal interviews or a tape recording, will be made available for individuals with disabilities upon request.*** The complaint should be submitted by the complainant or his/her designee as soon as possible, but no later than 90 days after the alleged violation. Complaints must be signed and sent to:

Name/Title of Coordinator \_\_\_\_\_

Address \_\_\_\_\_

Telephone Number \_\_\_\_\_ (Voice) \_\_\_\_\_ (TDD) \_\_\_\_\_

Within 15 calendar days after receiving the complaint, *(Name of 504/ADA Coordinator)* will meet with the complainant to discuss the complaint and possible resolution. Within 15 calendar days after the meeting *(Name of 504/ADA Coordinator)* will respond in writing. Where appropriate, the response shall be in a format accessible to the complainant (such as large print or audio tape). The response will explain the position of *(Name of City/County)* and offer options for resolving the complaint.

If the response by *(Name of 504/ADA Coordinator)* does not satisfactorily resolve the issue, the complainant or his/her designee may appeal the decision of the 504/ADA coordinator. Appeals must be made within 15 calendar days after receipt of the response. Appeals must be directed to the chief elected official or his or her designee.

Within 15 calendar days after receiving the appeal, the chief elected official or his or her designee will meet with the complainant to discuss the complaint and to discuss possible resolutions. Within 15 calendar days after the meeting, the chief elected official or his or her designee will provide a response in writing. Where appropriate, the response shall be in a format accessible to the complainant. The response shall be accompanied by a final resolution of the complaint. The 504/ADA Coordinator shall maintain the files and records of *(Name of the City/County)* pertaining to the complaints filed for a period of three years after the grant is closed out.

## Other Complaint Procedures

All individuals have a right to a prompt and equitable resolution. Individuals or classes of individuals who believe they have been subjected to discrimination based on disability have several ways to file a grievance:

- Use the grievance procedure provided by the public entity.
- File a complaint with any agency that provides funding to the public entity.
- File with one of the eight federal agencies designated in the Title II ADA regulations.

Under Title II, filing a grievance with the public entity's ADA coordinator, filing a complaint with a federal agency, or filing a lawsuit may be done independently of the others. **Individuals are not required to file either a grievance or complaint to bring a lawsuit. Lawsuits may be filed at any time.** The following are four of the eight agencies where a Title II complaint can be filed:

Department of Justice (DOJ)  
Coordination and Review Section  
Civil Rights Division  
PO Box 66118  
Washington, DC 20035-6118

Assistant Secretary for Fair Housing and Equal Opportunity  
Department of Housing and Urban Development (HUD)  
451 7th Street SW, Room 5100  
Washington, DC 20410

Office for Civil Rights  
Department of Education  
330 C Street SW, Suite 5000  
Washington, DC 20202

Office for Civil Rights  
Department of Health and Human Services  
330 Independence Avenue SW  
Washington, DC 20201

## PROVISION OF EFFECTIVE COMMUNICATION

**Step ⑤: Your entity must provide effective communication in order for individuals with disabilities to participate in your programs, services, and activities.**



### 1. What is effective communication?

Public entities are required to ensure that applicants, participants, and members of the general public with disabilities have communication access that is as equally effective as that provided to people without disabilities. What is effective for one individual may be different for another individual. Therefore, effective communication must be provided on an individualized basis.

### 2. How is your entity providing communication? Check the methods that you are using. Jot down your own.

- Printed information is available in alternative formats (large print, audio, braille, readers, etc.)
- Training will be provided to staff on effective communication.
- A resource list of interpreters, auxiliary aids and services, and equipment is used.
- We have a budget for the purchase of auxiliary aids and services.
- We have purchased auxiliary aids and services.

### 3. Why is it important that your entity provide effective communication?

- To ensure individuals with disabilities have access to and can participate in services and programs in the same way as other individuals in the community who do not have disabilities.
- The law requires that a public entity provide effective communication.
- To prevent potential complaints, federal audits, loss of federal dollars, and lawsuits.

### 4. Have you drafted a policy that meets the requirements of the ADA on the provision of effective communication?

(Recipient) will ensure that applicants, participants, and members of the general public who have disabilities are provided communication access that is equally effective as that provided to people without disabilities. Effective communication will be provided through the provision of auxiliary aids and services upon request.

**5. Do you have procedures that your entity can use to carry out your policy on effective communication? Check the ones that you will use.**

- Effective communication will be achieved through the use of auxiliary aids and services upon request of a qualified person with a disability.
- Primary consideration will be given to the individual who requests the auxiliary aid or service.
- A current resource list of organizations, businesses, and individuals is available through our 504/ADA Coordinator to help identify aids and services.
- In choosing equipment or services, the individual requesting the service will first be asked what type of communication aid or service is the most effective.
- If the individuals's request cannot be granted, every effort to find other services or equipment that will be equally effective will be provided.
- If for some reason effective communication as requested by the individual cannot be provided, the following steps will be followed:
  1. The individual making the request will be told immediately why their request can't be granted and the reason why the decision was made.
  2. When claiming fundamental alteration or undue burden, the city/county will document the basis for its decision in a written statement and demonstrate that all resources available for the funding and operation of the service, activity, or program were taken into consideration.
  3. The decision not to provide the service must be made by the head of the entity or his/her designee. Any such designee must be a high ranking official, no lower than a department head, having budgetary authority and responsibility for making spending decisions.

## AUXILIARY AIDS AND SERVICES

**Step©:** Your entity must provide auxiliary aids and services in order for individuals with disabilities to participate in your programs, services and activities.

### 1. What are auxiliary aids and services?

To overcome communication barriers, equipment and other services are frequently used for individuals who are blind, visually impaired, deaf, hearing impaired, or speech impaired or who have a cognitive disability. The following are examples of auxiliary aids and services:



**A qualified sign language interpreter:** A qualified sign language interpreter is an individual able to interpret effectively, accurately and impartially. This includes receptively and expressively using any necessary specialized vocabulary. In most cases, it will not be appropriate to use a family member or companion as an interpreter. The person has a right to request an impartial interpreter. **A person who takes a sign language class or knows some sign language is not a qualified interpreter.**



It is important to remember that interpreters have different backgrounds and skills of interpreting. There are different kinds of sign language. Individuals who are deaf may know how to communicate in only one kind of sign language. It is important that you ask the individual who is deaf what kind of sign language that they use. Also ask the individual to refer you to a qualified interpreter that may be available to provide the service.

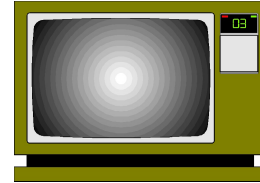
**When is an interpreter required?** A note pad and pen for written communication may be sufficient for simple conversation, though an interpreter may be necessary when the information is complex or the exchange is lengthy. Factors to be considered include:

1. Context of the event
2. Number of people involved
3. Importance of the material being communicated

An example of simple conversation is asking the individual if she or he would need an interpreter or other auxiliary aids or services. Examples of complex communication are a court hearing or a commission or city council meeting. A lengthy meeting may include a public hearing. If the person cannot understand what is being said or communicate to you in writing, an interpreter will probably be necessary. Always ask the individual if they will need an interpreter or another effective means of communication.



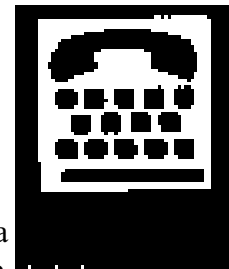
**Television and Video Productions:** Television productions and videotapes produced by a public entity are required to ensure communication access. One way of doing so is through open captioning where you see written words appear on the bottom of your television.



**Telephone communication:** If you use the telephone to communicate with the public, equally effective communication with people must be provided, including communication with people having hearing and speech disabilities. Use of a Telecommunication Device for the Deaf (TDD) and a Relay Service are two methods of ensuring telephone access for people who have hearing or speech disabilities. Relay North Dakota is available state-wide to provide effective communication by telephone. The number is 1-800-366-6888 for TDD users and 1-800-366-6889 for voice users.



**Emergency services:** Government units that provide direct telephone access to emergency services, such as police and fire departments, must have a TDD. For emergency services, reliance on the relay service is not considered an acceptable alternative. Emergency service providers are also encouraged, but not required, to provide their 911 operators with a voice amplification device in the telephone handset so that efforts of a hard-of-hearing person to communicate on the telephone can be assisted, if necessary.



**General information:** General information, such as the availability and location of accessible services, activities, and facilities must be provided by all public entities.

**Signs:** This requirement specifically includes directional signs at inaccessible entrances indicating where an accessible entrance is located. The requirement also requires signs indicating the location of TDDs or TDD pay telephones.

**2. How do you decide what type of auxiliary aid or service to provide to individuals with disabilities?**

Always ask the individual who requests the auxiliary aid or service. The ADA states that in choosing an auxiliary aid or service, primary consideration must be given to the aid or service requested by the individual.

**3. Where do you find appropriate auxiliary aids or services?**

- Ask the individual who requests the service.
- Look in the yellow pages.
- Contact organizations that represent people with disabilities.
- Contact the state Vocational Rehabilitation Office.

## HISTORIC PRESERVATION

### **What is a historic preservation program?**

“Historic preservation programs” are programs that have preservation of historic properties as a primary purpose.

### **How do we provide program access in historic programs?**

In providing program access, a state or local government is not required to take any action that would threaten or destroy the historic significance of a historic preservation program housed in a historic property.

### **What are historic properties?**

Historic properties are those listed or eligible for listing in the National Register of Historic Places, or designated as historic under a state or local law.

### **What should a City or County do if they house their non-historic programs in a historic building?**

If a program occupies a historic property but does not have historic preservation as a primary purpose, the special accessibility provisions described in the following section cannot be used. As a result, you will have to make structural changes that don't destroy the historical significance of the building. Other ways may include the relocation of your programs to a different facility or finding alternative ways to provide program access. Consult the *Title II Technical Assistance Manual* for further detail. This manual is available through the DCS. The DCS sent a copy of this manual to every city and county auditor in 1992.

### **Some examples of non-historic programs are:**

water and sewer  
city council meetings  
motor vehicles  
police department  
planning and zoning

### **Is there a priority list for providing program access?**

When providing program access to historic preservation programs in historic properties, state and local governments must give priority to methods that provide independent physical access.

When physical access is not required because it would threaten or destroy historic significance, alternative methods of providing program access must be provided. However, this exception is to be applied only in those very rare situations in which it is not possible to provide access to a historic property using the special access provisions established by the ADAAG technical standards.

In such situations, alternative methods may include:

- ✓ using audio-visual materials and devices to depict inaccessible portions of a historic property.
- ✓ assigning aides to guide persons with disabilities through those parts of the historic property that would be inaccessible without the guide.
- ✓ adopting other innovative methods.

## **EMPLOYMENT FACTS**

**All State and Local governments are covered,  
regardless of size and number of employees**

### **Remember**

State and local governments cannot discriminate against job applicants and employees with disabilities regardless of how many people they employ. For example, even if a city has one employee, it cannot discriminate in employment. Local governments are subject to Title I of the ADA for employment for both ADA and Section 504.

### **Where are employment complaints filed?**

**Department of Housing & Urban Development**  
Community Planning & Development  
451 7th Street  
Washington, DC 20410-4000  
(202) 708-0270

**Equal Employment Opportunity Commission**  
1801 L Street NW  
Washington, DC 20507  
(800) 669-EEOC (Voice)  
(800) 800-3302 (TDD)

### **For your information**

Private employers are only subject to Title I of the ADA if they have 15 or more employees. In North Dakota, the Discrimination Act prevents private employers who have one or more employees from discriminating against job applicants and employees with disabilities.

### **Can lawsuits be filed against State and Local government?**

Lawsuits may be filed against Title II entities (state and local government) at any time. An administrative complaint does not have to be filed with a federal or state agency designated to investigate the discrimination charge. Individuals with disabilities (or organizations representing individuals with disabilities) may file lawsuits.

## NONDISCRIMINATION THROUGH CONTRACT

### **What is the responsibility of a City or County that enters into a contract with a private entity?**

A city or county that enters into a contract with a private entity must ensure that the activity operated under the contract is in compliance with Section 504/ADA. Responsibility extends only to the activity that is under contract by the city or county. The city or county is not responsible for ensuring compliance of the other activities of the business that are not involved in the contract.



### **Example**

If a city has a contract with a private organization to run a golf course, the city is responsible for ensuring that the golf course is operated in compliance with the ADA and Section 504. However, if the same organization also operates other programs not funded by the city, the city bears no responsibility for any discriminatory activity in the other programs, simply because of the contract for the golf course.

If a county has a contract with a private non-profit organization to run a senior center, the county is responsible for ensuring that the senior center is operated in compliance with the ADA and Section 504. However, if the same private non-profit organization also operates other programs not funded by the county, the county bears no responsibility for any discriminatory activity in the other programs simply because of the contract for the senior center.

When government and private entities act jointly, the government entity must ensure that the Title II requirements are met, while the private entity must ensure that the public accommodations requirements are met.

For example, if a city engages in a joint venture with a corporation to build a new professional sports stadium, the stadium must be built in compliance with the accessibility provisions of both Title II and Title III. In cases where the standards differ, the stadium would have to meet the standard that provides the highest degree of access to people with disabilities.

# UNDUE BURDEN AND FUNDAMENTAL ALTERATION

## Undue Burden

Title II (state and local government) of the ADA and Section 504 require a public entity to make its programs accessible in all cases, except where to do so would result in a fundamental alteration in the nature of the program or in undue financial or administrative burdens.

## Four Areas That Must Be Considered To Claim This Standard

If a city or county determines that providing program access in certain areas would result in a financial or administrative burden, the following four areas must be considered:

1. The city's or county's resources available for use in the funding and operation of the service, program, or activity.
2. The burden of proving this standard rests with the public entity.
3. The decision that compliance would result in such alteration or burdens must be made by the head of the public entity or his or her designee having budgetary authority and responsibility for making spending decisions.
4. A written statement of the reasons for reaching this conclusion.

## Does a public entity have to develop alternative methods if it claims the undue burden standard?

The undue burden standard does not relieve a city or county of all obligations to individuals with disabilities. A public entity is not required to take actions that would result in a fundamental alteration in the nature of a service, program, or activity, or a result in undue financial and administrative burdens. However, *it nevertheless must take any other steps necessary to ensure that individuals with disabilities receive the benefits or services provided by the public entity.*

## What happens if someone disagrees with the City's or County's decision to claim undue burden?

A lawsuit or complaint may be filed by any person who believes that he or she or any specific class of persons has been injured by a chief elected official's decision or failure to make a decision.

## TWO MOST COMMON QUESTIONS & ANSWERS

### 1. **Can we carry individuals with disabilities upstairs instead of making structural modifications or relocating our programs?**

**Carrying is not allowed** (28 CFR § 35.150(b)(1) & DOJ Title II T.A. Manual, p.20).

Carrying an individual with a disability is considered an **ineffective and therefore unacceptable method for achieving program accessibility**. Carrying is not permitted as an alternative to structural modifications, such as putting in a ramp or a lift.

Carrying is allowed only in very rare and manifestly exceptional cases, such as onto an oceanographic vessel (such as a submarine) where physical access either cannot be provided or is prohibitively expensive.

Also, when program accessibility in existing facilities may be achieved only through structural alterations, carrying may serve as a temporary expedient until construction is completed.

However, even in these two rare situations where carrying can be justified, all persons involved in the carrying must be formally instructed in the safest and least humiliating methods of carrying.

### 2. **Instead of making the front door accessible and putting in a new elevator, can we use the back door and our freight door?**

**Back doors and freight elevators are allowed only as last resort** (DOJ Title I T.A. Manual, p. 19).

Back doors and freight elevators may be used to satisfy the program accessibility requirement **only as a last resort and only if they provide accessibility comparable to that provided to persons without disabilities**. A back door is acceptable only when the following criteria is met:

- ✓ If the back door is kept unlocked during the same hours that the front door remains unlocked.
- ✓ The passageway to and from the door is accessible, well lit, clear of obstructions and clean.
- ✓ An individual with a mobility impairment does not have to travel excessive distances or through public areas such as kitchens and storerooms to gain access.
- ✓ A freight elevator is acceptable if it is upgraded for general passengers.
- ✓ The passageways leading to and from the elevator are well-lit, clear of obstructions, and clean.

# **PRACTICAL EXERCISES**



**ARE THE PEOPLE DESCRIBED BELOW  
INDIVIDUALS WITH DISABILITIES,  
AS DEFINED IN THE ADA?**

**Definition of Disability:**

**42 USC §12102(2)**

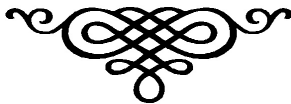
A person with a disability is defined as:

1. A person with a physical or mental impairment that substantially limits one or more major life activities; or
2. A person with a record of such a physical or mental impairment; or
3. A person who is regarded as having such an impairment.

Read each question and mark Yes if you believe the person is a qualified individual with a disability. Mark No if you believe the person is not a qualified individual with a disability.

1. A person tests HIV positive, but shows no signs or symptoms of the disease.  Yes  No
2. A person who has a psychiatric problem is fired because his boss gave him a drug test and found that he used cocaine.  Yes  No
3. A small child is not allowed to go to summer camp because she has a severe behavioral problem.  Yes  No
4. A person who does not read or write very well because he dropped out of school is not hired for a job that requires reading and writing to fill out forms.  Yes  No
5. A person who is legally blind is thrown out of a store because she starts a fight.  Yes  No
6. A person gets very sick whenever she is around chemical solvent used in most buildings and stores.  Yes  No
7. Two people apply for a sales clerk job. One applicant has experience in this area, with excellent references; he has a very bad scar on his face. The other applicant has no experience and gets the job.  Yes  No

8. A person has a blood disease and would not live if she didn't take weekly medical treatments.  Yes  No
9. A person who has not had a seizure in 15 years is denied a job as a bus driver because the company owner remembers the person having seizures as a child.  Yes  No
10. A person was turned down for a job because the employer heard that he lost a job five years ago because he used and was addicted to drugs.  Yes  No



**FACT  
DO YOU KNOW?**

**THE ADA COVERS NOT ONLY AMERICANS WITH DISABILITIES, BUT ALL INDIVIDUALS WITH DISABILITIES IN THIS COUNTRY, REGARDLESS OF THEIR ETHNIC OR NATIONAL ORIGIN AND REGARDLESS OF THEIR CITIZENSHIP STATUS.**

## **ANSWERS TO QUESTIONS: DECIDING IF A PERSON HAS A DISABILITY**

1. **Yes.** This person is considered disabled by the ADA. HIV infections are considered a disability even if the person shows no signs of having the disease.
2. **No.** A person's illegal drug use is not considered a disability under the ADA. Discrimination would have occurred only if the employer had fired the person because of his psychiatric problem.
3. **Yes.** This child is considered disabled because of her mental problems.
4. **No.** This person does not have a disability. If this person had a disability such as dyslexia, which caused him not to read or write, he would be considered as having a disability.
5. **No.** This person is not covered by the ADA in this instance. The person was thrown out of the store because of the fight, not because of the disability.
6. **Yes.** This person has a disability, called environmental illness, and is covered by the ADA.
7. **Yes.** This person has a disability and is covered by the ADA. The attitudes that people have toward this individual substantially limits his major life activities in the area of working and earning a living.
8. **Yes.** This person is covered by the ADA. Without weekly medical treatment, this person would die. However, with weekly medical treatments she can do her major life activity.
9. **Yes.** This person is covered by the ADA because she has a history of a disability.
10. **Yes.** This person has a disability and is covered by the ADA. Individuals who do not use drugs now but have a history of drug addiction are covered by the ADA.

**ADA  
TITLE II QUESTIONS  
IN LOCAL GOVERNMENT**

Check Yes if the situation is a violation of the ADA. Check No if the situation is not a violation of the ADA.

1. A county government sponsors a health class for people who are soon to be parents. The class is held on the third floor of a county building that has no elevator. Is this a violation of the ADA?  Yes  No
2. Only those people who live in the county and are soon to be parents are allowed to attend the class for people expecting a child. Is this a violation of the ADA?  Yes  No
3. The county office does not allow people with mental illness inside its offices. Is this a violation of the ADA?  Yes  No
4. The city hosts a conference of the PTA (Parents and Teachers Association) in a building that is inaccessible. Two parents who are PTA members use wheelchairs. Has the ADA been violated?  Yes  No
5. Under the ADA, is a city's main library required to have a TDD?  Yes  No
6. Is the requirement to provide reasonable accommodation to a person with a disability when hired for a job different for a city than a private company?  Yes  No
7. A city office publishes a pamphlet on issues that will be discussed each time the city holds an election. A person who is blind requests the pamphlet in braille. The city office sends the individual an audio tape instead of the booklet in braille. Is this a violation of the ADA?  Yes  No
8. A county program provides free meals to low-income Vietnam veterans and requires each person to show a drivers license as identification. Is this a violation of the ADA?  Yes  No
9. There are no accessible restrooms in the county library. If restrooms are provided for non-disabled library patrons, is the library program accessible when viewed in its entirety?  Yes  No

10. A city zoning ordinance requires the front entrance of a business to create a setback by 12 feet from the curb. To install a ramp at the front entrance of a pharmacy, the owner must encroach on the setback by three feet. The city won't allow the owner to build the ramp. Is this a violation of the ADA?  Yes  No
11. The county charges individuals with disabilities for interpreters, for large print, and for the use of FM amplification systems. Is this a violation of the ADA?  Yes  No

## ANSWERS TO TITLE II QUESTIONS IN LOCAL GOVERNMENT

1. **Yes.** The county must provide program access to the class. However, it does not have to make the third floor accessible. Instead, the class should be moved to another building or to a floor that is accessible.
2. **No.** The requirements of being a parent and living in the county do not screen out persons with disabilities. However, if individuals who have disabilities live in the county, and are soon to be parents, are not allowed to attend, this would be a violation of the ADA.
3. **Yes.** Preventing any person with a disability from this office is a violation of the ADA.
4. **Yes.** Unless the city moves the PTA conference to a building that is accessible.
5. **Yes.** Unless an equally effective telecommunications system is provided.
6. **No.** The requirement to provide job accommodations for a person with a disability is the same for a city, county, or state government.
7. **In most cases** this would be a violation of the ADA. The city is required to provide effective communication in a manner that enables the individual to participate on an equal basis with all others. The city must give each person who has a communication impairment the opportunity to request the auxiliary aid or service of his or her choice.
8. **Yes.** Because some veterans may not have a drivers license because of blindness or some other disability. The county must accept other forms of identification.
9. **No.** The library must provide accessible restrooms if it provides restrooms for persons without disabilities.
10. Granting a variance in the zoning requirement **may be** a reasonable modification of the city policy.
11. **Yes.** The county must provide effective communication where necessary to ensure equal access to programs and activities. However, the county cannot charge for this service.

## HOW MUCH DO YOU KNOW ABOUT THE EMPLOYMENT REQUIREMENTS?

Read each situation and mark the corresponding box if you believe the employer is asking either legal or illegal questions or is otherwise violating the ADA and Section 504. If there is not enough information to determine whether the question is legal or illegal, mark “not enough information.”

1. For a job where lifting a 35-pound weight is a marginal function of the job, the application contains the question, “Can you lift a 35-pound weight?”  
 legal       illegal  
 not enough information
2. In an interview for a job where lifting a 35-pound weight is a marginal function, the employer asks, “Can you lift a 35-pound weight?”  
 legal       illegal  
 not enough information
3. On an application is the question, “Do you have a physical impairment that would keep you from performing this job?”  
 legal       illegal  
 not enough information
4. In an interview, the employer asks, “Have you ever seen a psychologist?”  
 legal       illegal  
 not enough information
5. In an interview, the employer asks, “Have you ever been hospitalized? If yes, what was the reason?”  
 legal       illegal  
 not enough information
6. In an interview, the employer asks, “How much alcohol do you drink?”  
 legal       illegal  
 not enough information
7. In an interview, the employer asks, “Have you ever filed for Workers’ Compensation Insurance?”  
 legal       illegal  
 not enough information
8. On an application appears the question, “Will you need a reasonable accommodation to take a written, timed pre-employment test?”  
 legal       illegal  
 not enough information
9. On the application appears the question, “Can you perform this job with or without a reasonable accommodation?”  
 legal       illegal  
 not enough information
10. In the interview for a word processing job, the question is asked, “What reasonable accommodations will you need if you are hired?”  
 legal       illegal  
 not enough information

11. On an application appears the statement, “At the bottom of this form is a section asking affirmative action information regarding race and disability status. Answering these questions is purely voluntary and will not be used to disqualify you for this job.”

- legal
- illegal
- not enough information

12. In the interview, the employer asks a person with an obvious physical disability to describe how she will perform a certain function, but the employer has not asked the same question of the other applicants who were interviewed.

- legal
- illegal
- not enough information

13. After the interview, the employer conducts drug and alcohol tests on each applicant.

- legal
- illegal
- not enough information



## ANSWERS TO EMPLOYMENT QUESTIONS

1. This is a legal question. Employers may ask if applicants can perform marginal functions, though negative employment decisions may not be based on their inability to perform marginal functions because of disability.
2. This is a legal question. The rules for interviews are the same as the rules for applications.
3. This is an illegal question because it asks about disability.
4. This is an illegal question because the answer may reveal information about the applicant that could suggest that he or she has a disability.
5. This is an illegal question because the answer may reveal information about the applicant that could suggest that he or she has a disability.
6. This is an illegal question because the answer may reveal information about the applicant which could suggest that he or she has a disability. "Do you drink?" is permissible, but not "How much alcohol do you drink?"
7. This is an illegal question because the answer may reveal information about the applicant that could suggest that he or she has a disability.
8. This is a legal question. Employers may ask if applicants will need a reasonable accommodation to take a test.
9. This is a legal question. Employers may ask if applicants can perform job functions with or without reasonable accommodation.
10. It is unclear whether this question violates the ADA. It is legal to ask if an applicant can perform job functions with or without a reasonable accommodation. However, it may not be legal to ask about other kinds of accommodations, such as accommodations needed to enjoy equal benefits and privileges of employment that are available to other employees.
11. This is an illegal question unless the employer is required to do affirmative action by Section 503 of the Rehabilitation Act of 1973 or another federal law.
12. This does not violate the ADA if the person's disability might interfere with or prevent the performance of the job function. If the disability will not interfere with or prevent the performance of the job function, the employer may only request the description of how the applicant will perform the job function (if the request is made to all applicants for the same job).
13. At this point in the application process, before a job has been offered, the drug test is legal but the alcohol test is not. An alcohol test is considered a medical examination and is therefore only legal after a conditional job offer.

# **SELF-EVALUATION QUESTIONNAIRE**

## SELF-EVALUATION QUESTIONNAIRE

The following questions will help you complete your Self-Evaluation. The questions are organized into five areas: 1) Program Policy and Procedures; 2) Employment; 3) Effective Communication; 4) Notice of Nondiscrimination; and 5) Grievance Procedure. Mark Yes, No, or NA for each question. (See Checklist on page 6 for contents of a completed Self-Evaluation).



### Program Policy and Procedures

1. Does your entity have a written policy stating that it does not discriminate against people with disabilities?  Yes  No  NA
2. Does your staff know and understand about your commitment not to discriminate?  Yes  No  NA
3. Do you have a designated coordinator for the Section 504 Rehabilitation and the Americans with Disabilities Act (ADA) compliance requirements?  Yes  No  NA
4. Have you identified the persons with disabilities and other individuals who helped in your Self-Evaluation and is their participation described?  Yes  No  NA
5. Do you have procedures to assure that all programs, services, and activities, to include meetings, hearings, workshops, and conferences, are held in accessible locations?  Yes  No  NA
6. Are the resource manuals that govern your programs, including laws, statutes, rules, policies, manuals, ordinances, and other guidelines available in alternate formats, or do you have the ability to provide alternate formats?  Yes  No  NA
7. Do you have a separate or special program for individuals with disabilities?  Yes  No  NA
8. If yes to #7, do you have written procedures to ensure that these individuals may also participate in programs available to the public?  Yes  No  NA
9. Do you have any policies and procedures, program eligibility and admission requirements, or licensing standards that:
  - a. Deny a qualified individual with a disability the opportunity to participate in or benefit from the aid, benefit, or service?  Yes  No  NA

- b. Do you afford an opportunity for participation or benefit equal to that afforded others?  Yes  No  NA
- c. Do you provide a qualified individual with a disability with an aid, benefit, or service that is as effective in affording equal opportunity to obtain the same result, gain the same benefit, or reach the same level of achievement as that provided to others?  Yes  No  NA
- d. Do you provide aids, benefits, or services to individuals with disabilities as effective as those provided to others?  Yes  No  NA
- e. Do you assure that assistance or contract is not provided to a person or entity that discriminates based on disability?  Yes  No  NA
- f. Do you deny a qualified individual with a disability the opportunity to participate as a member of planning or advisory boards?  Yes  No  NA
- g. Limit the enjoyment of a qualified individual with a disability any right, privilege, advantage or opportunity enjoyed by other qualified individuals who receive your services?  Yes  No  NA
10. Do you have provisions to assure that contractors understand 504/ADA requirements?  Yes  No  NA
11. If you use video, audiovisual, and television equipment, do you assure that hearing-impaired persons can benefit from presentations?  Yes  No  NA

## Employment

1. In the following areas, do you have policies, practices, or procedures that are followed to ensure that there is no discrimination based on disabilities?
- a. Recruiting advertisements  Yes  No  NA
- b. Processing of applications  Yes  No  NA
- c. Employment testing  Yes  No  NA
- d. Interviewing and orientation  Yes  No  NA

- e. Promotion, transfer, demotion, lay-off, or reinstatement, including changes in compensation resulting from these actions  Yes  No  NA
- f. Job assignments  Yes  No  NA
- g. Job classifications, use of vacation and sick leave, unpaid leave of absence, or compensatory time  Yes  No  NA
- h. Opportunities for and financial support of training opportunities, conferences, health and insurance benefits, agency-sponsored activities, including recreational or social programs  Yes  No  NA
2. Do you have a process to ensure that any employment-related criteria (including minimum qualifications and testing requirements) which would adversely affect the opportunities of individuals with disabilities are related to the job and are a business necessity?  Yes  No  NA
3. Do you have a process for how your entity responds to a request for an accommodation in testing and interviews?  Yes  No  NA
4. Do you have procedures to ensure that nondiscriminatory questions are asked in a hiring interview?  Yes  No  NA
5. Do you have a process to determine if an individual with a disability is capable of performing the essential functions of a particular job, with or without a reasonable accommodation?  Yes  No  NA
6. Do you have a process to determine whether a request for a reasonable accommodation on the job can be granted or would cause undue hardship?  Yes  No  NA
7. Do you have policy and procedure for maintaining the confidentiality of employee medical information, voluntary self-identification of disability, and requests for accommodation?  Yes  No  NA
8. Do you provide training or take other measures to ensure that employees and supervisors do not subject individuals with disabilities to discrimination because of insensitivity or lack of knowledge?  Yes  No  NA
9. If you have automated electronic equipment in the workplace? Can persons with disabilities use the equipment?  Yes  No  NA

10. Do you ensure that no pre-employment inquiries are made as to whether an applicant for a position is a person with a disability?  Yes  No  NA

**Effective Communication**

1. Do you have a policy or procedure to ensure that communications with applicants, participants, and members of the public with disabilities are as effective as communications with others?  Yes  No  NA
2. If any written materials are provided by your program or services, do you provide any of the following alternatives?
- a. Audio tape  Yes  No  NA
  - b. Braille  Yes  No  NA
  - c. Reader  Yes  No  NA
  - d. Aide  Yes  No  NA
  - e. Mailed to home  Yes  No  NA
  - f. Large print  Yes  No  NA
  - g. Interpreter  Yes  No  NA
  - h. Other assistance  Yes  No  NA
3. Do you describe the auxiliary aids and services that will be provided to individuals with a disability?  Yes  No  NA
4. Do you describe how an individual with a disability may request assistance and express their preference for auxiliary aids and services?  Yes  No  NA
5. Do you describe how your entity regularly advertises to the public that you will provide auxiliary aids and services for effective communication to participate in your programs and services?  Yes  No  NA
6. Do you describe how your entity will ensure that meetings, hearings, and conferences will be accessible for individuals with communication disabilities?  Yes  No  NA
7. Do you describe how your entity will use TDD (telecommunication device for the deaf) or the state relay system to communicate with those who have impaired hearing or speech, including training of staff?  Yes  No  NA

8. Do you have a 911 emergency service?  Yes  No  NA
9. If yes to #8, is there a TDD connected to this service?  Yes  No  NA
10. If you have another form of emergency service, can people with disabilities access it?  Yes  No  NA
11. Are your TDD or relay service phone numbers printed on agency brochures, notices, and letterhead listed in telephone directories?  Yes  No  NA
12. Does your entity have an 800 number?  Yes  No  NA
13. If yes to #12, do you describe how the entity makes the 800 number usable by persons with hearing impairments?  Yes  No  NA
14. Do you let the public use your telephone?  Yes  No  NA
15. If yes to #14, is there at least one designated phone that is hearing-aid compatible?  Yes  No  NA
16. If your entity determines that equally effective communication cannot be provided, do you have the following:
- a. A statement included in your Self-Evaluation from the head of your agency or designee?  Yes  No  NA
- b. Reasons why the service, program, or activity would be fundamentally altered or would result in undue financial and administrative burdens?  Yes  No  NA
- c. A description of what other action will be taken to provide the benefits or services to the maximum extent possible?  Yes  No  NA

**Notice of Nondiscrimination**

1. Does your Self-Evaluation include a copy of your Notice of Nondiscrimination?  Yes  No  NA
2. Does your notice include the following information:
- a. A statement that your entity does not discriminate under Section 504 or the ADA?  Yes  No  NA
- b. Your 504/ADA Coordinator's name, address, telephone number, and office hours?  Yes  No  NA

- c. A statement that asks individuals to give at least three to five day's advance notice to request auxiliary aids or other services?  Yes  No  NA
- d. A statement notifying individuals about the availability of alternative formats?  Yes  No  NA
- e. A statement that your city or county has a grievance procedure available to resolve complaints?  Yes  No  NA
- 3. Do your written materials contain a notice that your city or county complies with Section 504/ADA and will offer accommodations for individuals with disabilities?  Yes  No  NA
- 4. Are you documenting methods on how you will make your notice available to the public on an ongoing basis?  Yes  No  NA
- 5. Are you publishing your policy of non-discrimination in the newspaper once a year?  Yes  No  NA

**Grievance Procedure**

- 1. Does your Self-Evaluation include a copy of your grievance procedure?  Yes  No  NA
- 2. Does your plan include action steps to notify the public on an ongoing basis about your grievance procedure?  Yes  No  NA
- 3. Do you have written procedures on what to do if your city or county cannot accommodate a person with a disability?  Yes  No  NA
- 4. Does your grievance procedure include a statement allowing an individual to submit a grievance in alternative formats?  Yes  No  NA
- 5. Does your grievance procedure include a time limit to file a grievance procedure?  Yes  No  NA
- 6. Does your grievance procedure inform individuals of their right to file a complaint with a state or federal agency including the agency's addresses?  Yes  No  NA



## SECTION III TRANSITION PLAN

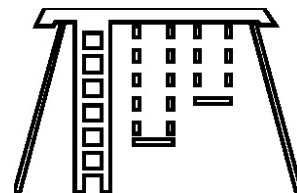
### Transition Plan Requirement

For Section 504, all recipients of federal funds, regardless of the number of employees, must complete a Transition Plan, if applicable. Under the ADA, only those Title II entities with 50 or more employees must have a written Transition Plan, if applicable.



### How is the Transition Plan developed?

- The Transition Plan begins with conducting a walk-through of all of an entity's facilities in which it offers programs, services and activities. Facilities include buildings, playgrounds, parks, etc. The purpose of the walk-through is to identify all physical (structural) barriers that limit or prevent access to programs, services, and activities.
- After all barriers are identified, an evaluation is conducted to identify those which, for now or forever, can be overcome through non-structural changes (see page 3 for non-structural solutions). These barriers and changes should be noted in your three-ringed binder so that they are identified as alternatives to structural changes.
- For each facility needing structural changes to overcome structural barriers to permit access to programs, services, and activities a Transition Plan is then written. The format on page 48 and 49 indicates the required information.



Under the ADA, if your entity is responsible for or has authority over streets, roads, or walkways, the Transition Plan must include a schedule for providing curb ramps or other sloped areas where pedestrian walks cross curbs. When developing the schedule, the ADA stipulates a priority list; government offices and facilities; transportation; places of public accommodation; and employees, followed by walkways serving other areas.

There are many checklists available for identifying barriers, but some standards, such as for parks and recreational areas are still being developed. The DCS can provide a checklist, and can provide some information on standards for recreational facilities and children's environments. Pages 51-67 contain one example of a checklist that can be used.

**ADA/504 TRANSITION PLAN OUTLINE**

Name of Person Completing this Form

Title

Date

Name and Address of Facility

Necessary structural changes (list feature(s) and how each is inaccessible):

Applicable UFAS or ADAAG standard:

Type of action to be taken: If no action is anticipated because it is an "Undue Burden" or is not "Readily Achievable", provide an explanation for the determination.

Person Responsible for Overseeing Action:

Project Date to Initiate Action:

Projected Date to Complete Action:

Projected Cost to Complete Project:

## **ACCESSIBILITY CHECKLIST**

Facility \_\_\_\_\_

Address \_\_\_\_\_

Reviewer \_\_\_\_\_

### ELEMENT 1: ACCESSIBLE ROUTE

Need: Persons who use wheelchairs, walk with difficulty or use walking aids such as crutches, canes, walkers, etc., need a wide, smooth, level, firm surface to get from place to place. Steep slopes are difficult or impossible for many people who use wheelchairs to negotiate, especially if they have limited use of their shoulders. Small steps and bumps can block the front caster wheels of wheelchairs and trip people who walk with difficulty. Steps and stairs are impossible for people in wheelchairs, and exhausting for many others. Soft, uneven, or rough surfaces can be very difficult for wheelchair to traverse, and surface openings can catch crutch and cane tips, or even wheelchair wheels. Visually-impaired people need a path that is free from hazards including low hanging or protruding objects which cannot be detected by a cane. Basically an accessible route is a clear path 36" wide and 80" high with a continuous smooth surface. Such a path must have no vertical changes in level greater than 1/2", and if it connects floors or levels, must do so by ramps, elevators or lifts. An accessible route must connect all the accessible spaces in the facility from the walks and paths and parking outside, through the entrance to the accessible hallways, doors, elevators, toilet rooms, drinking fountains, and special use facilities inside.

Characteristic & UFAS Reference	Characteristic & ADAAG Reference	UFAS New Construction Requirement	ADAAG New Construction Requirement	Actual Measurement Of Finding	Necessary Changes
1. Number 4.1.2(1) (p. 5) 4.3.2 (p. 15)	1. Number 4.1.2(1) (p. 5) 4.3.2 (p. 16)	At least one accessible route shall connect parts of the facility.	Same		
2. Width 4.3.3 (p. 18)	2. Width 4.3.3 (p. 16)	Min: 36" clear except at doors	Same		
3. Passing Space 4.3.4 (p. 18)	3. Passing Space 4.3.4 (p. 16)	If route is less 60" x 60" passing space min. of every 200'	Same		
4. Head Room 4.3.3 (p. 18)	4. Head Room 4.3.5 (p. 16) 4.4.2 (p. 22)	Min: 80" clear	Same		
5. Surface Texture 4.3.6 (p. 18) 4.5 (p. 22)	5. Surface Texture 4.3.6 (p. 16) 4.5 (p. 22)	Non-Slip Firm Stable	Same		
6. Slope 4.3.7 (p.18)	6. Slope 4.3.7 (p. 19)	Not to exceed 1:20. If greater than 1:20 apply criteria for ramps and curb ramps (See Elements 3 & 4)	Same		

Characteristic & UFAS Reference	Characteristic & ADAAG Reference	UFAS New Construction Requirement	ADAAG New Construction Requirement	Actual Measurement Of Finding	Necessary Changes
7. Changes in Levels 4.3.8 (p. 9)	7. Changes in Levels 4.3.8 (p. 19)	If greater than .5" then curb ramp (Element 3) ramp (Element 4), elevator (Element 7), or platform lift (Element 8) applies	Same		
8. Gratings 4.5.4 (p. 22) Fig. 8(h) (p. 23)	8. Gratings 4.5.4 (p. 24) Fig. 8(h) (p. 22 & 23)	Max.:5" wide in direction of route except at doors	Same		

Facility \_\_\_\_\_

Address \_\_\_\_\_

Reviewer \_\_\_\_\_

**ELEMENT 2: PARKING**

Need: Many individuals with handicaps drive their own cars or vans, and need parking spaces which are wide enough to open car doors fully and get out with a wheelchair or mobility aid, are close to the building or facility they are going to, and are on an accessible route from the parking lot to the building or facility which it serves.

Characteristic & UFAS Reference	Characteristic & ADAAG Reference	UFAS New Construction Requirement	ADAAG New Construction Requirement	Actual Measurement Of Finding	Necessary Changes
1. Number 4.1.1(5) (p. 5)	1. Number 4.1.2(5) (p. 5)	At least one if any visitor parking is provided by agency. More depending on number of spaces provided.	Same		
2. Location 4.6.2 (p. 23)	2. Location 4.6.2 (p. 25)	Closest to accessible entrance; on accessible route	Same		
3. Width of Space 4.6.3 (p. 23)	3. Width of Space 4.6.3 (p. 25)	Min. 96" wide	Same		
4. Width of Space and Access Aisle 4.6.3 (p. 23)	4. Width of Space and Access Aisle 4.6.3 (p. 25)	Adjacent to space; min 60" wide	Same		
5. Slope of Space and Access Aisle 4.6.3 (p. 23)	5. Slope of Space and Access Aisle 4.6.3 (p. 25)	Max: 1:50	Same		
6. Signage on Space 4.6.4 (p. 23)	6. Signage on Space 4.6.4 (p. 25)	Sign on space showing symbol of access	Same		

Facility \_\_\_\_\_

Address \_\_\_\_\_

Reviewer \_\_\_\_\_

**ELEMENT 3: CURB RAMPS**

Need: Curbs represent a significant barrier for many individuals with handicaps. Properly designed curb ramps eliminate these barriers for persons in wheelchairs and persons using other mobility aids. Curb ramps are an essential part of an accessible route.

Characteristic & UFAS Reference	Characteristic & ADAAG Reference	UFAS New Construction Requirement	ADAAG New Construction Requirement	Actual Measurement Of Finding	Necessary Changes
1. Number & Location 4.7.1 (p. 24)	1. Number & Location 4.7.1 (p. 26)	Whenever an accessible route crosses a curb	Same		
2. Slope 4.7.2 (p. 24)	2. Slope 4.7.2 (p. 26)	Max: 1:12	Same		
3. Width 4.7.3 (p. 25)	3. Width 4.7.3 (p. 26)	Min. 36"	Same		
4. Surface 4.7.4 (p. 25)	4. Surface 4.7.4 (p. 26)	Firm Stable Non-slip	Same		
5. Side Design 4.7.5 (p. 25)	5. Side Design 4.7.5 (p. 26)	If where pedestrians walk or if no hand-rails or guard rails, then must have flared sides and max. slope of flare 1:10	Same		



Facility \_\_\_\_\_

Address \_\_\_\_\_

Reviewer \_\_\_\_\_

### ELEMENT 4: RAMPS

Need: Persons in wheelchairs who use ramps need the ramps to be gently sloped, to have handrails, to be protected from drop offs, to have a smooth, stable surface, and to have level top and bottom platforms along the way for resting and turning.

Characteristic & UFAS Reference	Characteristic & ADAAG Reference	UFAS New Construction Requirement	ADAAG New Construction Requirement	Actual Measurement Of Finding	Necessary Changes
1. Number & Location 4.8.1 (p. 25) 4.3.7 (p. 18)	1. Number & Location 4.8.1 (p. 27) 4.3.7 (p. 19)	Any part of an accessible route with a slope greater than 1:20	Same		
2. Slope 4.8.2 (p. 25)	2. Slope 4.8.2 (p. 27)	Least possible; max. 1:12 except curb ramps (See Element 3)	Same		
3. Cross Slope 4.8.6 (p. 27)	3. Cross Slope 4.8.6 (p. 29)	Max. 1:50	Same		
4. Surfaces 4.8.6 (p. 27) 4.5.1 (p. 22)	4. Surfaces 4.8.6 (p. 29) 4.5.1 (p. 22)	Slip resistant Firm Stable	Same		
5. Handrails 4.8.5 (p. 25)	5. Handrails 4.8.5 (p. 29)	If ramp rise is more than 6" and run is more than 72", handrails 30" to 34" high extending 1' beyond top and bottom of ramp shall be provided	Same, except  34" to 38"		
6. Edge Protection 4.8.7 (p. 27)	6. Edge Protection 4.8.7 (p. 30)	Ramp must have walls, railing, projecting surfaces, or curbs at least 2" high to prevent slipping off ramp	Same		
7. Landings 4.8.4 (p. 25)	7. Landings 4.8.4 (p. 29)	Level landing as wide as ramp and min. 60" long at top and bottom of ramp and each turn of ramp	Same		
8. Clear Width 4.8.3 (p. 25)	8. Clear Width 4.8.3 (p. 29)	Min: 36"	Same		

Facility \_\_\_\_\_

Address \_\_\_\_\_

Reviewer \_\_\_\_\_

### ELEMENT 5: ENTRANCES AND INTERIOR DOORS

Need: Persons with mobility impairments need a building entrance that provides a wide, smooth, level or ramped route connecting the site with the building interior. Entrance doors need to be wide, have adequate space for maneuvering on both the pull and push sides, and require light pressure and no twisting or fine movements to operate. The biggest problem at entrances is usually a change in level which requires steps or stairs. These barriers must be identified and corrected by grading, ramping, or adding a lift. Therefore, an accessible building entrance combines the requirements of an accessible route and accessible doors. In addition, since building entrances often involve steps or stairs or other changes in level such as terraces, porches, etc., the requirements for ramps or lifts may also apply. Persons with mobility impairment need doors that are wide enough to pass through without bumping into the sides. They need to be able to be out of the way of the swing of the door while pulling it open. People with limited use of hands, arms, and shoulders need hardware that is easily operated without tight grasping or twisting.

Characteristic & UFAS Reference	Characteristic & ADAAG Reference	UFAS New Construction Requirement	ADAAG New Construction Requirement	Actual Measurement Of Finding	Necessary Changes
1. Number 4.1.2 ((8) (p. 6)	1. Number 4.1.2 (8) (p. 8)	At least one principle entrance must be accessible	At least 50% of all public entrances must be accessible		
2. Location 4.38.2 (p. 15)	2. Location 4.3.2 (p. 16)	On an accessible route	Same		
3. Type 4.13.2 (p. 33)	3. Type 4.13.2 (p. 36)	Standard single or double-leaf hinged door, i.e., not revolving doors or turnstiles	Same		
4. Width 4.13.5 (p. 33) Fig. 24 (p. 33)	4. Width 4.13.5 (p. 36) Fig. 24 (p. 36)	Min. 32" clear opening. If double leaf with independently operated leaves then one must be min. 32" clear	Same		
5. Hardware 4.13.9 (p. 36)	5. Hardware 4.13.9 (p. 36)	Max: height 48". Push/pull type or level operated	Same		
6. Opening Force 4.13.11 (p. 36) See ANSI, A117.1, 4.13.11 (p.43)	6. Opening Force 4.13.11 (p. 36) See ANSI, A117.1, 4.13.11 (p. 36)	Max. 8.5 lbf. ext. hinged door, 5 lbf. int. hinged, sliding, or folding	Same		

Characteristic & UFAS Reference	Characteristic & ADAAG Reference	UFAS New Construction Requirement	ADAAG New Construction Requirement	Actual Measurement Of Finding	Necessary Changes
7. Thresholds at Doorways 4.13.8 (p. 36)	7. Thresholds at Doorways 4.13.8 (p. 36)	Max. 5" high with leveled edged; Max slope 1:2	Same		
8. Floor at Door Way 4.13.6 (p. 36) Fig. 25 (p. 34 & 35)	8. Floor at Door Way 4.13.6 (p. 36) Fig. 25 (p. 38 & 39)	Depends on door, See Fig 25	Same		

Facility \_\_\_\_\_

Address \_\_\_\_\_

Reviewer \_\_\_\_\_

ELEMENT 6: STAIRS

Need: Individuals with handicaps need accessible stairs to the entrance of the facility.

Characteristic & UFAS Reference	Characteristic & ADAAG Reference	UFAS New Construction Requirement	ADAAG New Construction Requirement	Actual Measurement Of Finding	Necessary Changes
1. Treads & Risers 4.9.2 (p. 27)	1. Treads & Risers 4.9.2 (p. 30)	Treads no less than 11" wide	Same		
2. Handrails 4.9.4 (p. 27)	2. Handrails 4.9.4 (p. 30)	Handrails on both sides of stairways	Same		

Facility \_\_\_\_\_

Address \_\_\_\_\_

Reviewer \_\_\_\_\_

### ELEMENT 7: ELEVATORS

Need: All individuals with handicaps benefit from a building which has elevators. To be usable the elevators must provide adequate maneuvering space, time to get to and enter the cab, and must be conveniently located and have marked controls. Blind persons need elevators with audibly indicate direction of travel and floors passed or arrived at, and which have tactile markings at all controls. Hearing-impaired persons need all this information to be visual.

Characteristic & UFAS Reference	Characteristic & ADAAG Reference	UFAS New Construction Requirement	ADAAG New Construction Requirement	Actual Measurement Of Finding	Necessary Changes
1. Number 4.1.2(5) (p. 5)		At least one serving each level on an accessible route in a multi-story facility, where levels are not connected by ramps	Not required if building has less than 3,00 sq. ft. per floor or is less than three stories, unless building is a shopping mall, shopping center, or health care provider office		
2. Location 4.3.8 (p. 19) 4.10.1 (p. 30)	2. Location 4.3.8 (p. 19) 4.10.1 (p. 30)	On an accessible route	Same		
3. Type 4.10.2 (p. 30)	3. Type 4.10.2 (p. 30)	Passenger automatic self-leveling with reopening devices			
4. Elevator Cars 4.10.9 (p. 30) Fig. 22 (p. 31)	4. Elevator Cars 4.10.9 (p. 33 & 34) Fig. 22 (p. 34)	Min. side opening 51" x 68" Min. front opening 51" x 80"	Same		
5. Hall Call Button 4.10.3 (p. 30)	5. Hall Call Button 4.10.3 (p. 30)	Centered 42" or less from floor, lighted	Same		
6. Car Controls 4.10.12 (p. 31)	6. Car Controls 4.10.12 (p. 34)	Highest control 48". Buttons at least 3/4" and marked with raised characters	Same		
7. Elevator Doors 4.10.8 (p. 31)	7. Elevator Doors 4.10.8 (p. 33)	Door remains open 3 seconds	Same		

Facility \_\_\_\_\_

Address \_\_\_\_\_

Reviewer \_\_\_\_\_

ELEMENT 8: LIFTS

Need: Lifts are not acceptable in new construction, but they can be a successful solution to existing steps and stairs that cannot be ramped or otherwise modified. In addition to meeting State and local code requirements, lifts must meet requirements for clear floor space, floor, surface, and controls.

Characteristic & UFAS Reference	Characteristic & ADAAG Reference	UFAS New Construction Requirement	ADAAG New Construction Requirement	Actual Measurement Of Finding	Necessary Changes
1. Number 4.1.2(5) (p. 5-6) 4.11.1 (p. 33)	1. Number 4.1.3 (p. 7)	May be used in lieu of elevator	Exception 4		
2. Clear Floor Space 4.2.4 (p. 14)	2. Clear Floor Space 4.2.4 (p. 15)	Min. 30" x 48"	Same		
3. Height of Controls 4.27.3 (p. 45)	3. Height of Controls 4.27.3 (p. 52)	48" max. front approach; 54 max. parallel approach; one hand operation	Same		

Facility \_\_\_\_\_

Address \_\_\_\_\_

Reviewer \_\_\_\_\_

**ELEMENT 9: DRINKING FOUNTAINS**

Need: Persons in wheelchairs need drinking fountains mounted low enough so that they can reach the spout. They also need to be able to pull up under the fountain or along its side. Persons who have difficulty using their hands need controls that can be easily operated.

Characteristic & UFAS Reference	Characteristic & ADAAG Reference	UFAS New Construction Requirement	ADAAG New Construction Requirement	Actual Measurement Of Finding	Necessary Changes
1. Number 4.1.2(9) (p. 6)	1. Number 4.1.3(10) (p. 8)	50% on each floor. If only one is available, it must be accessible	50% on each floor. If only one is on a floor, it must be accessible for individuals in wheelchairs, and for those who have difficulty bending stooping		
2. Location 4.3.2(2) (p. 15)	2. Location 4.3.2(2) (p. 8)	On an accessible route	Same		
3. Height 4.15.2 (p. 36) Fig 27 (p. 37)	3. Height 4.15.2 (p. 40) Fig 27 (p. 41)	Spout mounted 36" above floor	Same		
4. Controls 4.15.4 (p. 36) 4.27.4 (p. 45)	4. Controls 4.15.4 (p. 40) 4.27.4 (p. 52)	Operable with one hand without grasping or twisting	Same		
5. Clearance 4.15.5 (p. 36) Fig. 27 (p. 37)	5. Clearance 4.15.5 (p. 40) Fig. 27 (p. 41)	Wall mounted bottom of apron to floor 27" min. Built in: 30" x 48" min. in front of foundation	Same		

Facility \_\_\_\_\_

Address \_\_\_\_\_

Reviewer \_\_\_\_\_

### ELEMENT 10: TOILET ROOMS

Need: Persons with mobility impairments need toilet facilities that they can get to and use easily and safely. Fixtures need adequate clear floor space for close approach and turning, and some require sturdily mounted grab bars for support or transfer. Controls and hardware must be within reach and easily operable. Hot, sharp, abrasive, or protruding objects are hazards to persons with mobility impairments.

Characteristic & UFAS Reference	Characteristic & ADAAG Reference	UFAS New Construction Requirement	ADAAG New Construction Requirement	Actual Measurement Of Finding	Necessary Changes
1. Number 4.1.2(10) (p. 6)	1. Number 4.1.2(10) (p. 6)	If toilet facilities are provided each shall be accessible	Same		
2. Location 4.3.2(2) (p. 15)	2. Location 4.3.2(2) (p. 16)	On an accessible route	Same		
3. Entrance Door 4.13.5 (p. 33) Fig 25 & 26 (p. 34 & 35) 4.13.9 (p. 36)	3. Entrance Door 4.13.5 (p. 36) Fig 25 & 26 (p. 38 & 39) 4.13.9 (p. 36)	Min. 32" clear opening; lever handle or push/pull type hardware	Same		
4. Door Closer 4.13.11(2) (b) & (c) (p. 36)	4. Door Closer 4.13.11(2) (b) & (c) (p. 37)	5 lbf. max. effort to open	Same		
5. Unobstructed Space 4.16.2 (p. 37) Fig. 28 (p. 38)	5. Unobstructed Space 4.16.2 (p. 40) Fig. 28 (p. 42)	Clear space to allow for wheelchair traffic	Same		
6. Toilet Stalls 4.17.3 (p. 38) Fig. 30 (p. 39)	6. Toilet Stalls 4.17.3 (p. 42) Fig. 30 (p. 43)	Door min. 32"; 36" wide, depth can vary depending on configuration	Same		
7. Grab Bars 4.17.6 (p. 40) Fig. 29 & 30 (p. 38 & 39) 4.26.2 (p. 45)	7. Grab Bars 4.17.6 (p. 44) Fig. 29 & 30 (p. 42 & 43) 4.26.2 (p. 50)	33"-36" high; back and side of wc; 1.25" to 1.5" diameter, 1.5" clear off wall	Same		
8. Water Closet Seat Height 4.16.3 (p. 37) Fig. 29 (p. 38)	8. Water Closet Seat Height 4.16.3 (p. 40) Fig. 29 (p. 42)		Same		



Characteristic & UFAS Reference	Characteristic & ADAAG Reference	UFAS New Construction Requirement	ADAAG New Construction Requirement	Actual Measurement Of Finding	Necessary Changes
9. Toilet Paper Dispenser Height 4.16.6 (p. 38) Fig 29(b) (p. 38)	9. Toilet Paper Dispenser Height 4.16.6 (p. 41) Fig 29(b) (p. 42)	17"-19" high	Same		
10. Lavatory 4.19.2 (p. 40) 4.19.4 (p. 40)	10. Lavatory 4.19.2 (p. 44) 4.19.4 (p. 44)	Height max. 34"; drain & hot water pipes insulated; min. 29" clearance below apron	Same		
11. Mirror 4.19.6 (p. 40)	11. Mirror 4.19.6 (p. 45)	Bottom 40" max. above floor	Same		
12. Wall Mounted Urinal 4.18.2 (p. 40)	12. Wall Mounted Urinal 4.18.2 (p. 44)	Basin Opening max. 17" from floor			
13. Towel Dispenser & Disposal Unit Height 4.27.3 (p. 45)	13. Towel Dispenser & Disposal Unit Height 4.27.3 (p. 52)	Mount operable part 40" max. above floor			

Facility \_\_\_\_\_

Address \_\_\_\_\_

Reviewer \_\_\_\_\_

**ELEMENT 11: PUBLIC TELEPHONES**

Need: Persons in wheelchairs need adequate clear floor space to pull up to the telephone and a low mounting height so they can reach all operable parts. Persons with hearing impairments need volume controls.

Characteristic & UFAS Reference	Characteristic & ADAAG Reference	UFAS New Construction Requirement	ADAAG New Construction Requirement	Actual Measurement Of Finding	Necessary Changes
1. Number 4.1.2(16) (p. 6)	1. Number 4.1.3(17) (p. 9)	At least one per floor if telephones are installed	Same		
2. Location 4.31.2 (p. 47)	2. Location 4.31.2 (p. 54)	On an accessible route with clear floor space 30" x 48"	Same		
3. Height 4.31.3 (p. 47) 4.2.5 (p. 15)	3. Height 4.31.3 (p. 47) 4.2.5 (p. 15)	Highest operable control 48" for front approach 54" for parallel approach	Same		
4. Controls 4.31.6 (p. 47)	4. Controls 4.31.6 (p. 55)	Push button	Same		
5. Equipment of Hearing Impaired 4.31.5 (p. 47) 4.1.2(16) (p. 6)	5. Equipment of Hearing Impaired 4.31.5 (p. 55) 4.1.2(16) (p. 6)	At least one shall generate magnetic field; at least one shall have a volume control	Hearing aid compatible. At least one shall have a volume control		

Facility \_\_\_\_\_

Address \_\_\_\_\_

Reviewer \_\_\_\_\_

ELEMENT 12: WARNING SIGNALS

Need: Persons with visual impairments need audible emergency warning systems and persons with hearing impairments need visual or other auxiliary alarms.

Characteristic & UFAS Reference	Characteristic & ADAAG Reference	UFAS New Construction Requirement	ADAAG New Construction Requirement	Actual Measurement Of Finding	Necessary Changes
1. Number 4.1.2(13) (p. 6)	1. Number 4.1.3(14) (p. 9)	If warning systems are provided then both visual and audible should be provided	Same		
2. Audible 4.28.2 (p. 45)	2. Audible 4.28.2 (p. 52)	Minimum 15 dbls above prevailing sound level max 120 dbls	Same		
3. Visual 4.28.3 (p. 45)	3. Visual 4.28.3 (p. 52)	Flashing exit signs			

Facility \_\_\_\_\_

Address \_\_\_\_\_

Reviewer \_\_\_\_\_

**ELEMENT 13: MEETING AND CONFERENCE AREAS**

Need: Persons who use wheelchairs need a level area in which to position themselves and from which they can view the performance area. Both the seating area and the performance area must be on an accessible route. Persons with hearing impairments need an auxiliary listening system.

Characteristic & UFAS Reference	Characteristic & ADAAG Reference	UFAS New Construction Requirement	ADAAG New Construction Requirement	Actual Measurement Of Finding	Necessary Changes
1. Number 4.1.2(18) (p. 7)	1. Number 4.1.3(19) (p. 10)	All places of assembly shall be accessible	Same		
2. Number of Wheelchair Locations 4.1.2(18) (p. 7)	2. Number of Wheelchair Locations 4.1.3(19) (p. 10)	At least 3 or more depending on over-all number of seats beginning with 50 seats	At least 1 or more depending on overall number of seats beginning with 4 seats		
3. Placement of Wheelchair Locations 4.33.3 (p. 49)	3. Placement of Wheelchair Locations 4.33.3 (p. 56)	Adjacent to accessible route	Adjacent to accessible route companion seating. Seating capacity exceeding 300		
4. Size of Locations 4.33.3 (p. 49) Fig. 46 (p. 50)	4. Size of Locations 4.33.2 (p. 56) Fig. 46 (p. 57)	Forward access locations mn. 48" long to 33" wide side access locations min. 60" long x 33" wide			

## OTHER BUILDING ELEMENTS AND SPECIALIZED FACILITIES

Other building elements and special use facilities are not specifically covered by the Facility Evaluation Form. Access to these elements and facilities may be essential if individuals with handicaps are to participate fully in the program or activity conducted by your agency.

	<u>UFAS</u>	<u>ADAAG</u>
● Bathing facilities and Shower Rooms	4.23 (p. 44)	4.23 (p. 48)
● Storage Facilities	4.25 (p. 44)	4.25 (p. 49)
● Seating, Tables, and Working Areas	4.32 (p. 48)	4.32 (p. 56)
● Dwelling Units	4.34 (p. 49)	N/A
● Food Service Facilities	5.0 (p. 57)	5.0 (p. 59)
● Health Care Facilities	6.0 (p. 57)	6.0 (p. 60)
● Libraries	8.0 (p. 58)	8.0 (p. 62)
● Mercantile	7.0 (p. 57)	7.0 (p. 61)

As indicated by the references, the Uniform Federal Accessibility Standards (UFAS) and Americans With Disabilities Act Guidelines (ADAAG) contain information about these building elements and special use facilities. If these elements and facilities are used in your programs and activities, or in providing goods and services, you are required to ensure that they are accessible.