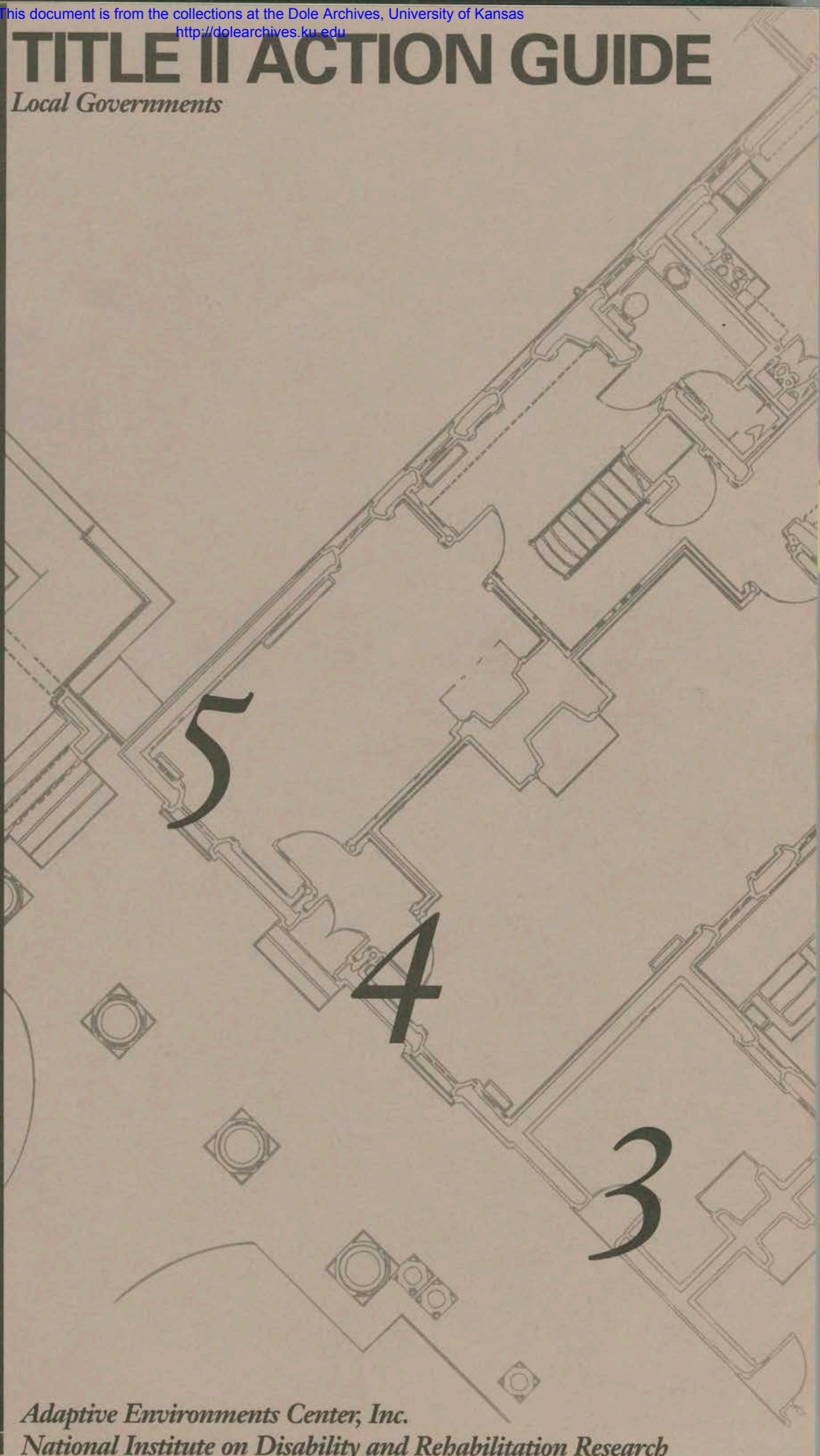
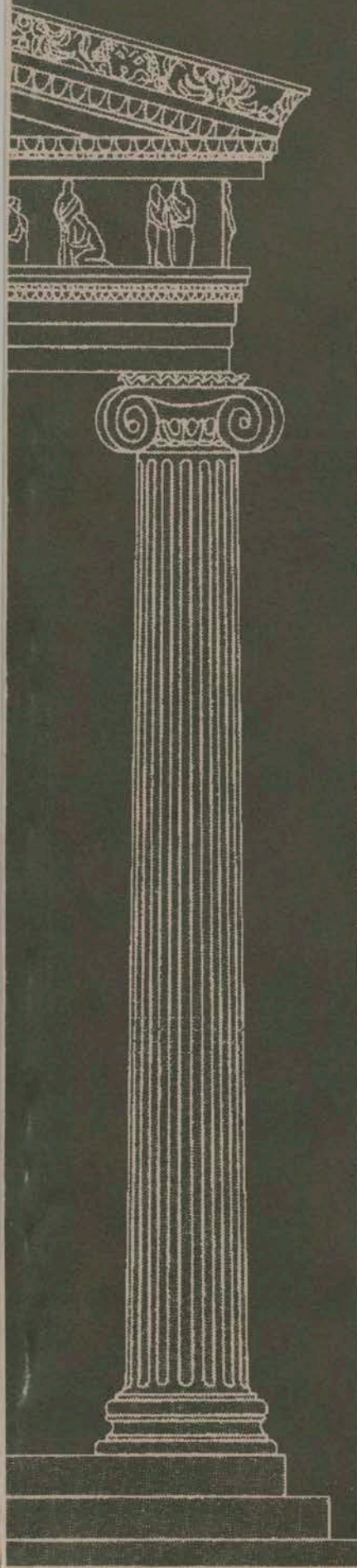


ADA TITLE II ACTION GUIDE

For State and Local Governments



*Adaptive Environments Center, Inc.
National Institute on Disability and Rehabilitation Research*

public entities—whether or not they receive federal funds. Public entities covered by Title II include state or local governments, including all departments, agencies, special purpose districts, or other instrumentalities, as well as certain commuter authorities and AMTRAK.

The provisions of Title II fall into four broad areas: (1) **general non-discrimination**, (2) **equally effective communication**, (3) **program accessibility**, and (4) **employment**. Equal opportunity must be provided through reasonable modifications in policies, practices, or procedures; effective communication must be ensured through the provision of auxiliary aids and services; programs must be made accessible through nonstructural (programmatic) or architectural modifications; and nondiscriminatory employment practices are required, as presented in Title I of the ADA. (Information on employment is included in the *Action Guide*; however, the self-evaluation worksheets in this edition do not cover employment. Employment worksheets will be provided in a supplement.)

Like Section 504, Title II requires public entities to conduct a self-evaluation of policies and practices. If an entity has previously conducted a self-evaluation for Section 504, only programs not previously reviewed must be evaluated. However, because many Section 504 self-evaluations were conducted as long as ten years ago and programs tend to change, the U.S. Department of Justice regulations encourage public entities to conduct a comprehensive review of all current programs.

Title II is divided into two parts. Subtitle A covers all programs, services, and activities of state and local government and incorporates the employment requirements of Title I. Subtitle B covers public transportation entities that receive federal funds and extends these requirements to other public transportation systems. The *Action Guide* covers Subtitle A.

The 5-4-3 Approach to Implementation

The *Action Guide* presents a practical and manageable approach to compliance that entities can use to meet their administrative requirements as well as their ongoing goal of making all programs available to people with disabilities. This "5-4-3 approach" is an effective strategy that can be easily communicated and coordinated.

Five Action Steps

1. Designate a responsible employee
2. Provide notice of ADA requirements
3. Establish a grievance procedure
4. Conduct the self-evaluation
5. Develop a transition plan

Four Principles

1. Commitment from entity leaders
2. Coordination of compliance activities
3. Involvement of people with disabilities
4. Institutionalization of compliance procedures

Three Phases

1. Planning for compliance
2. Conducting the self-evaluation
3. Implementing modifications

Organization of the Action Guide

CHAPTER 1: OVERVIEW OF TITLE II

Chapter 1 discusses the legal requirements of the Title II regulations, including the requirements concerning general nondiscrimination, program accessibility, effective communication, and employment. Numerous examples are provided to illustrate the concepts and apply them to real-life situations. Citations to the Title II regulations are noted in the margins.

CHAPTER 2: ACTION STEPS

Chapter 2 summarizes the five administrative requirements public entities must address in order to bring themselves into compliance with the regulations. It includes a sample notice and grievance procedure.

CHAPTER 3: IMPLEMENTATION

Chapter 3 discusses the four principles of effective compliance and how they can be applied in the everyday workings of government. Examples are drawn from entities of various sizes, illustrating the three-phased approach to compliance that guides the public entity from planning through conducting a self-evaluation and carrying out structural and nonstructural modifications.

5-4-3

EXCLUSIONS FROM THE DEFINITION OF DISABILITY

The term disability excludes the following conditions:

transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, other sexual behavior disorders, compulsive gambling, kleptomania, pyromania, and psychoactive substance use disorders resulting from the current illegal use of drugs. Moreover, the phrase *physical or mental impairment* does not include homosexuality or bisexuality; those orientations are not considered disabilities under the ADA.

28 C.F.R. §35.104

ILLEGAL USE OF DRUGS

Although drug addiction falls within the definition of disability in the ADA, a public entity may withhold services or benefits from a person who is **currently engaging in the illegal use of drugs**. By contrast, a person with a history of drug use who has been successfully rehabilitated or someone who is participating in a drug rehabilitation program and not engaging in the illegal use of drugs is protected. The use of methadone as a part of participation in a drug rehabilitation program is not an illegal use of drugs. Illegal use also does not include individuals who are taking controlled substances under a prescription.

28 C.F.R. §35.104

28 C.F.R. §35.131

There is a limitation on the withholding of services in two areas: *health care* and *drug rehabilitation* services cannot be denied to an individual on the basis of that person's current illegal use of drugs if the person is otherwise entitled to such service.

Alcohol is not a controlled substance; alcoholism is recognized as a disability under the ADA.

ASSOCIATIONAL DISCRIMINATION

The ADA extends its protections to people who do not have disabilities themselves but are discriminated against on the basis of their *association* with a person with a disability. The association can be with family members, friends, or any other person.

28 C.F.R. §35.130(g)

Example: Jill, a single parent, is denied a secretarial position at the local township office because the township supervisor is aware that she has a child who has cerebral palsy. The supervisor is concerned that her attendance will be unreliable because of the needs of her child. The parent is protected under the ADA.

cannot be eliminated or reduced to safe levels through the provision of auxiliary aids and services or the reasonable modification of policies or practices. The determination of the existence of a direct threat must be based on objective factual evidence and not stereotypes or misconceptions about a person's disability.

Factors to be considered in determining whether an individual poses a direct threat include: (1) the duration, nature and severity of the potential harm; (2) the likelihood the potential injury will occur; and (3) whether reasonable modification in policies, practices, or procedures will mitigate or eliminate the risk.

What Are the Effective Dates of Title II?

Title II became effective on January 26, 1992. Therefore, the requirements concerning the operation of programs and services and nondiscrimination in employment, discussed below, are already in effect. Title II also contains detailed provisions concerning accessibility requirements for publicly owned public transportation facilities and vehicles such as buses, subways, light rail and commuter rail systems that have varying effective dates. These sections of the ADA are not covered in the *Action Guide* (see Resources for information). Specific dates for compliance with particular requirements of Title II are discussed in Chapter 3.

How Is Title II Enforced?

Title II provides three methods of enforcement:

- 1) Individuals may **complain under the entity's grievance procedure**. (In order to encourage public entities to resolve disputes internally, the ADA requires that public entities with 50 or more employees establish an internal grievance procedure for the resolution of complaints. See Chapter 2.) 28 C.F.R. §35.107(b)
- 2) Individuals may **file administrative complaints with a designated federal agency** or with the U.S. Department of Justice. Administrative complaints must be filed within 180 days of the date the alleged discrimination occurred. (An extension may be allowed for good cause.) The reviewing agency will investigate the charge and, if it finds a violation, will seek to obtain a voluntary compliance agreement with the entity. If voluntary compliance is not achieved, the charge will be referred to the Department of Justice for enforcement. 28 C.F.R. §§35.170–35.174
28 C.F.R. §35.190
- 3) Individuals have the right to **file a lawsuit for injunctive relief and damages**. The prevailing party in an administrative or court action may recover reasonable attorney fees and related costs. 42 U.S.C. §12133
28 C.F.R. §35.175

notice to the public about the terms of the ADA, establishment of an internal grievance procedure, and completion of a self-evaluation and transition plan. These steps are discussed in detail in Chapter 2.

1) General Nondiscrimination Requirements

The basic mandate of Title II is that no qualified individual with a disability shall be excluded from participation, denied benefits, services, or access to programs or activities, or be subjected to discrimination by any public entity. While this mandate is very broad, the following eight areas are specifically identified in the regulations.

28 C.F.R. §35.130(a)

EQUAL OPPORTUNITY

The ADA requires that people with disabilities are assured an equal opportunity to participate in the programs and activities offered by state and local governmental units. This right includes not only the opportunity to participate but also an opportunity that is equally effective. Although an entity can provide separate benefits or services, it should do so only where necessary to provide an equal opportunity. Separate benefits or services should be delivered in the most integrated setting appropriate.

28 C.F.R. §35.130(b)(1)(i)-(iv),(vii)

Example: Jane, who is deaf, is seeking a variance from the city zoning board. If she does not have access to what is said, she does not have an equal opportunity to benefit from attending the public zoning board meeting. Therefore, an effective means of communication, such as a sign language interpreter, must be provided.

Equal opportunity can be best assured by including people with disabilities in planning and decision-making. People with disabilities should be encouraged to participate as members of government planning and advisory boards.

28 C.F.R. §35.130(b)(1)(vi)

INTEGRATED PROGRAMS

Services and programs must be delivered in the most integrated setting appropriate to the person's level of need even if separate programs exist. Included under this requirement is the principle that integration of people with disabilities is the goal of the law. An entity cannot require that an individual participate in the separate program; a person with a disability cannot be restricted from participating in general activities and must be given the choice of which public activities to participate in.

28 C.F.R. §35.130(b)(2);(d)

form of identification must be accepted from individuals who are not qualified to get a driver's license, such as an individual who has a visual disability.

ELIGIBILITY CRITERIA

28 C.F.R. §35.130(b)(8)

Public entities cannot use eligibility criteria that screen out or tend to screen out people with disabilities unless such eligibility criteria are necessary for the provision of the service, program or activity.

Example: A city adult education program requires people who have mobility disabilities to be accompanied by an attendant in class. This eligibility criterion is discriminatory.

Neutral rules such as legitimate safety qualifications are permitted even when the effect is to screen out people with disabilities.

Example: A minimum level of vision is acceptable as an eligibility criterion for obtaining a driver's license.

SURCHARGES

28 C.F.R. §35.130(f)

It is not permissible for a public entity to assess a surcharge on people with disabilities to offset the costs associated with providing access.

Example: A recreation department offers a course in Chinese cooking and charges all members of the public a \$30 fee. Angela, who is deaf, requests that a sign language interpreter be provided for her. The department plans to charge Angela \$130 for the fee and the interpreter costs. This is not permitted under the ADA. Angela's fee can be no more than the \$30 charged all other program participants.

However, in some instances, where providing auxiliary aids would impose undue financial and administrative burdens in light of all available resources, it may be permissible for the public entity to pay only part of the cost of the auxiliary aids.

2) Equally Effective Communication

28 C.F.R. §35.160(a)

Public entities are required to ensure that applicants, participants, and members of the general public with disabilities have communication access that is equally effective as that provided to people without disabilities. One purpose of this requirement is to ensure access to general information.

Example: A recreation department is sending information regarding summer recreation programs to all members of the community. This general public information should be made available in accessible formats, such as large print, cassette recording, and Braille, for access by people who have visual disabilities.

In order to be in compliance, entities are also required to provide specific communication access in the form of auxiliary aids and services upon the request of a qualified person with a disability. Auxiliary aids include services, equipment, or devices that provide effective communication access to people with disabilities (see Chapter 3, page 64, for more detailed information). A qualified sign language interpreter for an individual who is deaf is one example of an auxiliary service. For people who have visual disabilities, materials in accessible formats such as large print, audio cassette, or Braille, and the provision of print scanners or readers are all examples of auxiliary aids. Other technologies may emerge in the future that will be considered acceptable methods of compliance as long as the standard of effective communication is met.

In choosing an auxiliary aid or service, primary consideration shall be given to the aid or service requested by the individual, unless the public entity can show that another equally effective means of providing access is available or that the request would result in a fundamental alteration of the service, program, or activity or create undue administrative or financial burdens.

Example: In response to the recreation department announcement described above, a person who has a visual disability enrolls in a ceramics class and requests that the class materials, including a large manual, be provided in Braille. The department determines that the manual cannot be reproduced in Braille in time for the first class. The department offers to have a staff person record the text of the manual on audio tape, since this can be completed before the class begins.

INTERPRETER SERVICES

The term *qualified interpreter* is defined as an individual who is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. In most situations, it is not appropriate to use a family member or companion as an interpreter. The person with the disability has the right to request an impartial interpreter. Public entities are

28 C.F.R. §35.160(b)(1)

28 C.F.R. §35.160(b)(2)

28 C.F.R. §35.104

EMERGENCY TELEPHONE SERVICES

Governmental 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 to be an acceptable alternative. Emergency services 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.

28 C.F.R. §35.162

GENERAL INFORMATION

General information, such as the availability and location of accessible services, activities, and facilities, must be provided by all public entities. This requirement specifically includes directional signage at inaccessible entrances indicating where an accessible entrance is located and signage indicating where portable TDDs or TDD pay phones are located.

28 C.F.R. §35.163

3) Program Accessibility

The standard against which programs and services will be measured for the purposes of ADA compliance is one of overall program accessibility: Is the program, service, or activity, when viewed in its entirety, readily accessible to and usable by individuals with disabilities?

ACCESS TO EXISTING FACILITIES

The ADA states that people with disabilities cannot be excluded from the programs, activities, or services offered by a public entity because of inaccessible facilities. Although this is a rigorous requirement, the law permits a public entity some flexibility in how the standard can be met, by allowing both structural and nonstructural methods of achieving program accessibility, such as:

28 C.F.R. §35.150(a)(1);(b)(1)

- 1) **Reassignment of services to an accessible location if the facility is not accessible.** For example, a legislator may have her local district office on the second floor of a three story walk-up building. A person who uses a wheelchair would be unable to visit the senator at her office to lobby her on a particular issue. The legislator could arrange to meet the individual at another, accessible location.
- 2) **Home visits.** A person with a disability may be unable to enter his local city collector's office in order to obtain a neighborhood resident parking sticker because it has a flight of steps at the main entrance. A city worker could meet the individual at his

§35.107(a) Designation of responsible employee. A public entity that employs 50 or more persons shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under this part, including any investigation of any complaint communicated to it alleging its noncompliance with this part or alleging any actions that would be prohibited by this part. The public entity shall make available to all interested individuals the name, office address, and telephone number of the employee or employees designated pursuant to this paragraph.

Public Entity: The definition of a public entity includes any non-federal unit of governments such as states, cities, towns, counties, parishes, authorities, boroughs, commissions and others.

Employees: Part-time employees are included in the definition of employees but contractors are not.

STEP ONE: Designate a Responsible Employee

Any public entity with fifty or more employees must designate at least one employee to coordinate ADA compliance. The regulation refers to this person as the responsible employee; however, because most entities call this person the *ADA coordinator*, we will use this title throughout the *Action Guide*.

The purpose of this requirement is to ensure that when the public deals with state and local government agencies, they are easily able to identify a person who is familiar with the requirements of the ADA and who can communicate these requirements to other individuals in the agency who may be unaware of their responsibilities. In order to ensure that individuals can easily identify the ADA coordinator, the public entity must provide the ADA coordinator's name, office address, and telephone number to the general public. This can be done through the notice described on pages 39–40.

The ADA coordinator is the key player in ensuring ADA compliance. The coordinator's role includes:

- planning and coordinating overall compliance efforts
- ensuring that the five action steps are achieved
- receiving and investigating grievances on programs, services, practices, and employment

The coordinator must have the authority, knowledge, and motivation to implement the regulations effectively.

Only public entities with fifty or more employees are required to designate an ADA coordinator. In order to ensure that Title II nondiscrimination, accessibility, and other requirements are met, however, entities with fewer than fifty employees might also find it useful to designate an ADA coordinator.

STEP THREE: Establish a Grievance Procedure

All public entities with fifty or more employees must adopt and publish grievance procedures providing for prompt and equitable resolution of grievances arising under Title II. Public entities with fewer than fifty employees may also find it useful to establish a grievance procedure because all public entities—regardless of size—are subject to complaints that might best be resolved internally. One of the responsibilities of the ADA coordinator is to receive and investigate complaints.

The purpose of the grievance procedure is to provide a mechanism for the resolution of discrimination issues at the state or local level, rather than require the complainant to resort to the federal complaint process (see Chapter 1, "How Is Title II Enforced?" page 11).

The Title II regulations do not stipulate procedures for the grievance procedure. The public entity may use a grievance procedure that is already in place; there is no need to reinvent the wheel or duplicate existing procedures. If the organization does not already have a grievance procedure, one must be established. This requirement has been effective since January 26, 1992.

This Action Guide recommends that a grievance procedure include the following components:

- a detailed description of the procedures for submitting a grievance
- a two-step review process that allows for appeal
- reasonable time frames for review and resolution of the grievance
- good record-keeping for all complaints submitted and documentation of steps taken towards resolution

The following provides a sample grievance procedure for municipalities that incorporates these four components. The sample procedures can easily be adapted for other types of entities.

§35.107(b) Complaint procedure. A public entity that employs 50 or more persons shall adopt and publish grievance procedures providing for prompt and equitable resolution of complaints alleging any action that would be prohibited by this part.

§35.105 Self-evaluation.

(a) A public entity shall, within one year of the effective date of this part, evaluate its current services, policies, and practices, and the effects thereof, that do not or may not meet the requirements of this part and, to the extent modification of any such services, policies, and practices is required, the public entity shall proceed to make the necessary modifications.

(b) A public entity shall provide an opportunity to interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the self-evaluation process by submitting comments.

(c) A public entity that employs 50 or more persons shall, for at least three years following completion of the self-evaluation, maintain on file and make available for public inspection:

(1) A list of the interested persons consulted;

(2) A description of the areas examined and any problems identified; and

(3) A description of any modifications made.

(d) If a public entity has already complied with the self-evaluation requirement of a regulation implementing section 504 of the Rehabilitation Act of 1973, then the requirements of this section shall apply only to those policies and practices that were not included in the previous self-evaluation.

STEP FOUR: Conduct a Self-Evaluation

All public entities—regardless of size—must conduct a self-evaluation. The self-evaluation is a comprehensive review of the public entity's current policies and practices, including communications and employment. Through the self-evaluation, the public entity must:

1. **identify** any policies or practices that do not comply with the Title II requirements; and
2. **modify** policies and practices to bring them into compliance.

The self-evaluation must be completed by January 26, 1993.

However, public entities have been liable for non-compliance with Title II since January 26, 1992. Therefore, if discriminatory policies or practices are identified during the review process, they should be modified immediately.

The regulations require that the public entity provide an opportunity for people with disabilities and other interested individuals or organizations to review and comment on the self-evaluation. However, the Department of Justice strongly encourages governmental entities to involve people with disabilities actively in the planning process. Chapter 3 describes a suggested approach to conducting a self-evaluation that provides for positive involvement of people with disabilities. Worksheets for the self-evaluation are provided beginning on page 89.

Public entities with fifty or more employees must keep the following self-evaluation information on file and available for public inspection for at least three years:

- a list of interested persons consulted about the self-evaluation
- a description of the areas examined and any problems identified
- a description of any modifications made

completed. When barriers to programs and facilities are identified, nonstructural changes to ensure program accessibility should be made as expeditiously as possible.

PHASE I: PLANNING FOR COMPLIANCE

Successful ADA compliance requires careful planning, preparation, and training, and includes the participation of staff members from key departments, including facilities managers and fiscal, program, and human resources staff. This section describes four steps recommended for this first phase of the compliance process.

Statement of Commitment

Commitment by the entity's senior political and executive leadership is essential and can be expressed in a variety of ways. A well-publicized public declaration of support or adoption of a formal policy statement can set a positive tone that facilitates staff work and promotes support and cooperation.

Example: The City Manager (senior executive leadership) introduces the subject of ADA at general meeting of the City Council (senior political leadership). She has informed the council in a memo prior to meeting that the city has obligations under the ADA. At the meeting, she distributes a fact sheet summarizing Title II and discusses the appointment of an ADA coordinator. She further outlines the Council's role in setting policy and reviewing progress. The City Manager interviews candidates, appoints an ADA coordinator, sets ground rules to ensure that the coordinator has access both to the entity's leadership and to all components of the town government and provides for a review of progress by the City Manager and Council.

Appointment of the ADA Coordinator

The ADA coordinator is central to ensuring ADA compliance. The role of the ADA coordinator includes:

- coordinating overall ADA compliance
- involving people with disabilities and interested parties in the compliance process
- conducting the self-evaluation
- preparation of the transition plan
- investigating grievances

ADA compliance affects many aspects of the entity. In most organizations, it would be difficult or impossible for any one individual to carry out all of the required tasks. **The role of the ADA coordinator is to coordinate the teamwork needed to complete the required tasks and achieve compliance.**

The ADA coordinator must have the authority, knowledge and motivation needed to bring the entity into compliance. The regulations do not require that the public entity designate a person in any particular position as the ADA coordinator. The only requirement is that the individual be an employee of the public entity. Some of the variables to consider in choosing an ADA coordinator include:

- **Authority within the state or local government entity**
The ADA coordinator's authority within the agency will affect his or her ability to implement the Title II requirements. An ADA coordinator who reports directly to the head of the entity is more likely to obtain the participation and assistance of his or her colleagues. Designating someone who has little formal or informal authority to ensure Title II compliance is likely to reduce the potential for successful compliance.
- **Disability experience**
As with any responsible position, experience can enhance effectiveness. A person with a disability or disability-related experience is likely to have more experience and knowledge of discrimination and access issues. Experience with Section 504 is valuable since Title II is based on Section 504. Knowledge of state access and nondiscrimination laws is extremely important.
- **Knowledge of the entity, community and programs**
One of the major ADA compliance activities is the self-evaluation, a comprehensive review of all programs, services and activities. A new employee or an employee with limited experience may have a difficult time coordinating or conducting this review. Individuals who have a broad knowledge of the entity's activities and overall organization are likely to be more effective in managing the process, obtaining the necessary information, and facilitating the development of creative solutions.

While the ADA coordinator is given the responsibility for coordinating and ensuring that the entity achieves compliance, the entity's chief executive officer retains final responsibility for compliance.

- **Skills and personal qualities**

The ADA coordinator should be well-organized and skilled in collecting and analyzing information. If the entity implements a team approach, the ADA coordinator should have the leadership qualities necessary to manage, coordinate, train, and motivate a team.

ADA Coordinators

The following are examples of ADA coordinators chosen by a variety of public entities:

- State of Rhode Island: Director, Governor's Commission on Handicapped Affairs
- Haverhill, Massachusetts: Staff member, Community Development Department
- Austin, Texas: Staff member, Human Rights Commission
- Massachusetts Rehabilitation Commission: Director of Affirmative Action

Preliminary Planning

The ADA coordinator's first task in the development of the compliance process is preliminary planning of compliance activities. As part of this process, the coordinator should:

- review the ADA statute and regulations
- attend an ADA training program
- review the public entity's Section 504 documents and plans
- discuss compliance with key entity staff and with community leaders
- draft a compliance process work plan
- evaluate personnel and resources needed for the compliance process
- recruit, orient, and train the compliance team
- draft the notice and grievance procedure

The draft compliance process work plan, notice, and grievance procedure should be presented for approval to the political and executive leadership of the entity. Once approved, the notice and grievance procedure must be published, preferably with a formal policy statement acknowledging the importance of the ADA and expressing leadership commitment to the ADA's values and goals.

ADA training programs are available from a number of sources. Many entities have people on staff, advisory boards, or commissions and in nearby community organizations who can contribute to staff development and training. A variety of outside ADA training opportunities, materials, and consultants are also available. The *Title II Technical Assistance Manual* is available from the U.S. Department of Justice. Referrals to training and consulting sources are available through the federally funded Disability and Business Technical Assistance Centers. A word of caution, however, is in order: An industry of instant experts has sprung up around the ADA. Check references and credentials carefully when selecting ADA training or consultants. For more information, request the "ADA-related Consultant/Contractor Guidelines" from your Technical Assistance Center.

RECRUITING, ORIENTING, AND TRAINING THE COMPLIANCE TEAM

Although the specifics of the approaches described above differ, the prior experience of each entity led them to adopt a team approach. A team approach is key to achieving successful compliance for several reasons. First, the self-evaluation and transition plan require the collecting of information from all programs, services, and activities of the entity; this is too large a task for one person. Second, the transition plan and self-evaluation require varied expertise and specialized skills. A team approach enables individuals with all of the necessary skills to be involved in the compliance process.

One of the important aspects of the ADA coordinator's job is to identify the various players needed for this team effort. While each entity has its own requirements, the following criteria should be considered in establishing the compliance team and structure:

- **Representation of all departments**

Each department or other major organizational unit should designate a liaison to the compliance team. Liaisons should participate in overall planning and decision making, collect information regarding his or her department's policies and practices, inform staff within the department of ADA requirements, and serve as contact person for the public within that department.

- **Special skills and expertise**

Including staff and/or external parties with skills and expertise in the following areas will be very helpful to the team:

- facilities management
- capital planning
- employment
- finance and budgeting
- contracts and purchasing
- public works
- structural and communication accessibility

- **Opinion leaders**

The inclusion of "opinion leaders" on the compliance team—people who are respected by their colleagues—may be useful in strengthening cooperation and participation in the compliance process and in promoting effective institutionalization of the results.

- **Involvement of people with disabilities**

Individuals with disability experience are key to ADA compliance for several reasons. First, the regulation requires that you provide an opportunity for people with disabilities and other interested individuals or organizations to review and comment on the self-evaluation and transition plan. Second, involving the end users in the process will generate solutions that are creative and effective. Third, involving people with disabilities in decision-making will strengthen the accountability of the process and ensure wise use of limited public resources.

Simply having a disability does not, in and of itself, qualify an individual to participate on the ADA team. People chosen to participate should be knowledgeable of the ADA and have the disability expertise needed for the review. An effective participant should be able to represent not just his or her personal perspective but also that of as broad a constituency as possible within the disability community.

The team should include representation of as wide a range of disabilities as possible. People with physical, visual, hearing, speech, cognitive, learning, psychiatric, and other disabilities may be included on the team.

Once the ADA compliance team has been recruited and approved by the senior political and executive leadership, the ADA coordinator should set up an initial team meeting. In the first meeting it may be useful to provide background information and review and revise the proposed compliance work plan.

Early on, the team should attend an ADA training program, either in-house or off-site. Based on the compliance plan, the team can form committees to refine the compliance process, develop or refine assessment tools, and recruit additional participants, as needed. The team should also establish a schedule for compliance activities.

Agencies are often wary of inviting external parties to participate in reviews such as the self-evaluation. The experience of many agencies, however, has demonstrated that the participation of people with disabilities and disability organizations creates trust and leads to more cost-effective solutions and fewer disputes in the long run.

If you are unsure of how to identify disability organizations to assist in the self-evaluation, your regional Disability and Business Technical Assistance Center may be able to provide a list of organizations in your area. You could also place a notice in the newspaper or on the radio asking local individuals and organizations to participate.

Rec'd 2/2/95

HOWARD O. GREENE, JR.
SERGEANT AT ARMS

PHONE:
202-224-2341

United States Senate

OFFICE OF THE SERGEANT AT ARMS
ROOM S-321, THE CAPITOL BUILDING
WASHINGTON, DC 20510-7200

Orig → Sen.
cc (au) → SB,
Alec, File

January 20, 1995

Honorable Bob Dole
Majority Leader
United States Senate
Washington, DC 20510

Dear Senator Dole:

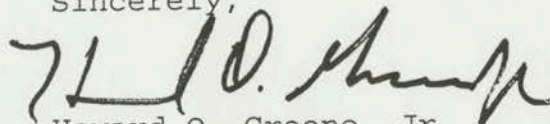
In response to your request to designate a Disability Services Coordinator in the office of the Sergeant At Arms, I recommend we appoint Kim Brown.

Kim is the Personnel Administrator in the Human Resources Department and has worked for the Sergeant At Arms for the past seven years. Personally, Kim has experience in the disability area, as she is a multiple transplant patient. (I have attached a copy of Kim's resume for your review.)

I feel Kim would be an appropriate choice for this assignment. Please let me know if you have any questions or need additional information.

Thank you for your consideration of this request.

Sincerely,



Howard O. Greene, Jr.
Sergeant At Arms

HOG, Jr:pf
Attachment

KIMBERLY C. BROWN

4570 MacArthur Boulevard, NW, #107
Washington, DC 20007

(202)298-8384 (h)
(202)224-3664 (w)

PROFESSIONAL EXPERIENCE

UNITED STATES SENATE, SERGEANT AT ARMS, Washington, D.C.

Personnel Administrator

1989 - Present

Responsible for management of general personnel administration for over 850 employees who comprise the support staff of the US Senate; Office of the Sergeant at Arms (SAA). Supervise one personnel assistant. *Promoted from Human Resources Assistant.*

Experience includes the following:

- Payroll Administration: Process personnel actions for payroll with a budget of over \$32 million. Produce budget reports on overtime compensation, fiscal year expenditures and annual payroll statistics.
- HR Policy Administration: Review and revise SAA employment forms, brochures and Employee Handbook to comply with current policies on ADA, Family Medical Leave and SAA general employment policies. Represent SAA in unemployment hearings.
- Employee Relations: Act as liaison between employees and Director of Human Resources. Counsel employees on employment policies, grievance process and employee services.
- Training: Designed, developed and delivered weekly orientation seminar to Capital Hill interns. Publicized speakers for Senate seminar program. Conducted survey of Senate offices to determine management training needs. Research, plan and administrate an adult work-place literacy program.
- Recruitment/Staffing: Interview applicants for potential employment in Senate offices. Provide assistance in resume writing and job placement.
- HR Information Systems: Member of selection team formed to write requirements for enhanced HRIS system. Following vendor demonstrations, review and evaluate potential systems to determine feasibility in the SAA work place.
- Other duties:
 - Manager for U.S. Senate Combined Federal Campaign (CFC), the Federal government's United Way campaign. Organize Senate staff to contribute over \$185,000 to local and national charities.
 - Assist with week-long Senator-elect orientation programs.

Human Resources Assistant

1988 - 1989

Assisted with all aspects of office administration including workers' compensation, employee leave and recruitment. Editor for monthly employee newsletter.

GROCERY MANUFACTURERS OF AMERICA, Washington, D.C.;

Staff Assistant

1987

Participated in association's tri-annual audit and researched tax proposals for legislative lobbying.

ACTIVITIES/PROFESSIONAL AFFILIATIONS

THRIVE!: NATIONAL KIDNEY FOUNDATION (NKF) YOUNG MEMBERS' ASSOCIATION

Chairman

1994 - Present

Vice-Chairman

1993 - 1994

Assisted in the creation of a division of NKF fundraising which targets young professionals. Plan, organize and publicize social events, develop membership and lead board meetings.

THE TRANSPLANT FOUNDATION

National Board Member/State Coordinator

1993 - Present

Established a state chapter comprised of local volunteers. Plan, organize and manage fundraising events. Includes all financial management, volunteer recruitment and coordination and grant writing. Raised over \$15,000 to assist organ transplant recipients in need of costly medication.

SOCIETY FOR HUMAN RESOURCE MANAGEMENT

1992 - 1993

Member

HISPANIC CENTER, Washington, D.C.

English Teacher

1988 - 1990

Taught English to Central American refugees as part of alien amnesty program.

EDUCATION

UNIVERSITY OF MADRID, Madrid, Spain

Summer 1987

Graduate course work in Spanish Art History and Civilization.

GEORGETOWN UNIVERSITY, Washington, D.C.

May 1987

Bachelor of Arts in Government. Concentration: International Relations. Minor: Spanish.

COMPUTER SKILLS

Proficient with Windows applications: Lotus 123, WordPerfect 6.0 and Paradox.



Washington, DC 20515

January 30, 1995

The Honorable Bob Dole
Majority Leader
United States Senate
Washington, D.C. 20510-1601

Dear Mr. Leader:

I have received your letter dated January 12, 1995, regarding compliance with the Americans with Disabilities Act. As you indicated, we have a long-range plan and activity underway throughout the Capitol Complex to achieve the highest possible level of accessibility within the constraints of the historic buildings we occupy.

The work we have accomplished to date has made the Capitol Complex reasonably accessible, especially with regard to wheelchair users who can now take advantage of accessible grounds, accessible paths to at least one accessible entrance in each building, and accessible paths to the services offered within each building and to accessible public toilet rooms. In this regard, we are fortunate to have begun work to remove "architectural barriers" long before the passage of the ADA. Also, individuals with disabilities are able to call upon the Capitol Police and Guides for assistance.

Broadly viewed, our facilities are at this time being used regularly and without serious hardship by Members, staff and visitors with a variety of disabilities. All services and activities are accessible.

However, even with respect to minimum standards, many of our facilities still do not comply technically with the more comprehensive ADA requirements and will not well beyond the date of January 26, 1995. Many additional modifications and improvements will have to be undertaken at a pace that is tied to the availability of funds. Toward this end, as you are aware, the Congress provided an initial installment of funding in fiscal year 1994 for ADA work in all areas of the complex except the Senate Office Buildings, and provided a second installment in fiscal year 1995 for work in all areas including the Senate Office Buildings.

The Honorable Bob Dole

January 30, 1995

Page Two

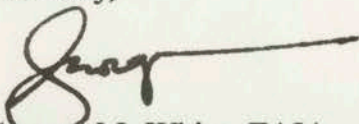
Our initial efforts in this multi-year program have been focused on the most critical priorities as established within the ADA Accessibility Guidelines. This includes upgrading accessibility to all facilities and the services they support by achieving the technical ADA standards wherever and whenever possible.

I have designated James E. Ellison, FAIA, Assistant to the Assistant Architect of the Capitol, as ADA Accessibility Coordinator, and I agree that including this title in the Senate and House Telephone Directories will be helpful. I shall see that it is done.

Lastly, the proposed design of a permanent ramp to provide proper accessibility to the Old Senate Chamber will be presented to the Committee on Rules and Administration within the next six weeks. I am pleased that our temporary ramp provided accessibility to the chamber and contributed to a most successful opening of the 104th Congress.


I would be pleased to provide any further information on our ADA Accessibility Program you might desire.

Cordially,

A handwritten signature in dark ink, appearing to read "G. White", with a long horizontal flourish extending to the right.

George M. White, FAIA
Architect of the Capitol

MEMORANDUM

Date: December 5, 1994
To: Senator Dole
From: Alec Vachon 
Re: Senate Compliance w/Disability Laws/Memos to Sergeant at Arms, Architect of the Capitol, and Rules Committee


- * Attached for your approval & signature is:
--Memo to Howard Greene asking he designate a "Disability Services Coordinator" to provide a single point-of-contact on accessibility and disability policies & services. N.B. No cost--Greene is simply asked to assign this job to one of his top assistants. A memo to the Secretary of the Senate will be prepared when that person is announced.
- * In addition, with your approval I will approach:
--Gingrich staff for sign on to attached memo to George White asking him to also designate a "Disability Services Coordinator." (Since the Architect is a joint House/Senate office, this memo should come from both of you.)

--Daschle staff for sign on to attached letters to Rules, asking the Committee to publish a print on disability policies and services. The letter was written with Mitchell's staff months ago, who dithered in finalizing it. Republican Rules staff thought it a good idea.

BACKGROUND

- * These memos and letters would accomplish 2 goals:
1. First, improve Congressional accountability--complying w/Federal laws that apply to private sector or state and local governments. The Senate probably complies 95% of disability laws, although a thorough internal "self-evaluation" has never been done. The Architect began removing architectural barriers in 1976, and in the last 2 years started addressing ADA standards. In January, the Sergeant at Arms released a policy on "reasonable accommodations" for disabled employees (which needs more work), but has no other systematic policies. The Secretary of the Senate has made some services accessible, but has no written policies.
 2. Clear up confusion re Senate policies and services. Despite a decade of work by my predecessors in your office and other staffers, it is not easy finding out about disability policies and services. The Senate offers an impressive array of disability services; we need a better effort in letting offices know what they are. Disability Services Coordinators and a Committee print should solve this problem.

December 5, 1994

TO: Howard Greene 
FROM: Senator Dole
SUBJECT: Designation of "Disability Services Coordinator"

As you know, Senate compliance with Federal laws from which Congress has been historically exempt is a priority for Senate Republicans. Among these laws are various disability statutes, including Title V of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990.

In this regard, I request that as you organize the Sergeant at Arms that you designate in your Executive Office a "Disability Services Coordinator" (or similar title). This person would have two duties: (1) providing an initial point-of-contact within the Sergeant at Arms for inquiries by members and staff, visitors, and constituents on disability matters; and (2) responsibility for oversight of the accessibility of all services provided by the Sergeant at Arms. In my view, this position would not be full-time, but rather part of the job description of one of your executive assistants. It would also be helpful if the Disability Services Coordinator was listed in Senate Telephone Directory.

Once the Disability Services Coordinator is designated, I suggest that he or she undertake a "self evaluation" or internal assessment of the accessibility and usability to people with disabilities of Sergeant at Arms services. Although the Sergeant at Arms has released a policy on reasonable accommodations for employees, to my knowledge a complete evaluation has not been done. At some point, it might also be useful to survey Senate offices as to their needs and satisfaction in this regard.

Incidentally, I will also be writing to the new Chairman of the Rules Committee asking that the Committee publish a print describing all Senate disability policies and services. Currently, there is no single, readily convenient reference for members and staff.

I appreciate your attention to this matter. If I can provide any assistance, please contact Alexander Vachon of my staff at 4-8959.

Original
Not Sent

December 5, 1994

TO: Howard Greene
FROM: Senator Dole
SUBJECT: Designation of "Disability Services Coordinator"

As you know, Senate compliance with Federal laws from which Congress has been historically exempt is a priority for Senate Republicans. Among these laws are various disability statutes, including Title V of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990.

In this regard, I request that you designate within your Executive Office a "Disability Services Coordinator" (or similar title). This person would have two duties: (1) providing an initial point-of-contact within the Sergeant at Arms for inquiries by constituents, visitors, and staff with disabilities on policies and services; and (2) responsibility for oversight of accessibility of all services provided by the Sergeant at Arms. In my view, this position would not be full-time, but rather part of the job description of one of your executive assistants. It would also be helpful if the Disability Services Coordinator was listed in Senate Telephone Directory.

Once the Disability Services Coordinator is designated, I suggest that he or she undertake a "self evaluation" or internal assessment of the accessibility and usability to people with disabilities of Sergeant at Arms services. To my knowledge, a formal evaluation has never been done. At some point, it might also be useful to survey Senate offices as to their needs and satisfaction in this regard.

Incidentally, I will also be writing to the new Chairman of the Rules Committee asking that the Committee publish a print describing all Senate disability policies and services. Currently, there is no single, readily convenient reference for members and staff.

I appreciate your attention to this matter. If I can provide any assistance, please contact Alexander Vachon of my staff at 4-8959.

December 5, 1994

TO: George White

FROM: Senator Dole
Congressman Gingrich

SUBJECT: Designation of "Disability Services Coordinator"

We are writing to request that you designate within your executive office a "Disability Services Coordinator" (or similar title). Although we are aware that your office has been active since 1976 in retrofitting the Capitol complex for accessibility by people with disabilities, we believe this step important to further ensure Congressional compliance with disability statutes that apply to the private sector or state and local governments, including Title V of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990.

This person would have two duties: (1) providing an initial point-of-contact within the Architect's office for inquiries by constituents, visitors, and staff with disabilities; and (2) responsibility for oversight of accessibility activities by the Architect. In our view, this position would not be full-time, but rather part of the job description of a current member of your staff. It would also be helpful if the Disability Services Coordinator was listed in the Senate and House Telephone Directories.

Once the Disability Services Coordinator is designated, we would appreciate an update of the status of accessibility efforts and elimination of architectural barriers by your office.

We appreciate your attention to this matter. If we can provide any assistance, please contact Alexander Vachon of Senator Dole's staff at 4-8959, or [name] of Congressman Gingrich's staff at [5-xxxx].

[U.S. Senate Letterhead]

[Date]

The Honorable Ted Stevens
Chairman
Committee on Rules and Administration
U.S. Senate
Washington, D.C. 20510

Dear Ted:

We are writing to request the Committee publish a print describing Senate disability-related policies and services for constituents, visitors, and staff with disabilities. As we envision it, this print would cover the activities of the Secretary of Senate, the Sergeant at Arms, the Architect of the Capitol, and the Senate Office of Fair Employment Practices.

As you know, there is wide diversity of disability services currently offered by these offices, but currently there is no convenient guide to them. We believe this print would be a valuable resource to Senate offices and constituents. In addition, this print might include the name of a contact person on disability matters for the Sergeant at Arms, the Secretary of the Senate, Architect of the Capitol, and each Congressional agency (i.e., GAO, OTS, and the Library of Congress).

Preparation of this print would also be a timely occasion to review Senate compliance with the Americans with Disabilities Act (ADA) and other disability laws. To our knowledge, there has never been a thorough internal "self evaluation" in this regard.

We appreciate your attention to our request. If you have any questions or if we can be otherwise helpful, please contact either Alexander Vachon of Senator Dole's staff at 4-8959 or Aileen Gallagher of Senator Daschle's staff at 4-5344.

Sincerely,

THOMAS A. DASCHLE
Minority Leader

BOB DOLE
Majority Leader

[U.S. Senate Letterhead]

[Date]

The Honorable Wendell H. Ford
Ranking Member
Committee on Rules and Administration
U.S. Senate
Washington, D.C. 20510

Dear Wendell:

We are writing to request the Committee publish a print describing Senate disability-related policies and services for constituents, visitors, and staff with disabilities. As we envision it, this print would cover the activities of the Secretary of Senate, the Sergeant at Arms, the Architect of the Capitol, and the Senate Office of Fair Employment Practices.

As you know, there is wide diversity of disability services currently offered by these offices, but currently there is no convenient guide to them. We believe this print would be a valuable resource to Senate offices and constituents. In addition, this print might include the name of a contact person on disability matters for the Sergeant at Arms, the Secretary of the Senate, Architect of the Capitol, and each Congressional agency (i.e., GAO, OTS, and the Library of Congress).

Preparation of this print would also be a timely occasion to review Senate compliance with the Americans with Disabilities Act (ADA) and other disability laws. To our knowledge, there has never been a thorough internal "self evaluation" in this regard.

We appreciate your attention to our request. If you have any questions or if we can be otherwise helpful, please contact either Alexander Vachon of Senator Dole's staff at 4-8959 or Aileen Gallagher of Senator Daschle's staff at 4-5344.

Sincerely,

THOMAS A. DASCHLE
Minority Leader

BOB DOLE
Majority Leader

BOB DOLE
KANSAS

United States Senate

OFFICE OF THE REPUBLICAN LEADER

WASHINGTON, DC 20510-7020

*Harold
Green 4-3835*

WALTER J. STEWART

SECRETARY

SUITE S-208

THE CAPITOL

WASHINGTON, DC 20510-7100

(202) 224-3622

United States Senate

OFFICE OF THE SECRETARY

March 23, 1992

The Honorable Bob Dole
The Honorable Tom Harkin
United States Senate
Washington, D.C. 20510

Dear Senators Dole and Harkin:

The Assistant Secretary attended the meeting chaired by Congressman Hoyer on March 20 along with two members of my staff who supervise offices which provide significant service to the public and the Senate community.

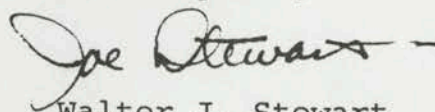
Section 509 of the law provides that the Legislative Branch must comply with the law in matters of employment and other than employment (physical and participatory access). Regarding employment, all job descriptions for positions within the Secretary's Office have been rewritten following verbal guidelines received from the Office of Personnel Management. These job descriptions are currently undergoing legal review by counsel in my office.

Regarding physical and participatory access, my office's principal responsibility was to provide closed captioning of Senate Chamber proceedings. We began broadcasting closed captions of Senate proceedings November 18, 1991. Enclosed is a fact sheet about this service.

For those offices under my jurisdiction which exclusively serve the Senate community, our efforts have been focused on ensuring Senate staff have adequate access to information primarily through the installation of TDD services and providing documents in braille or large type. TVs with captioning chip technology have been ordered for selected offices, but have not been received from the manufacturer to date. Supervisors are encouraged to send staff to sign language training if possible.

The enclosed detailed summary of services currently available may be of interest.

Best regards,



Walter J. Stewart

COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT

Legislative Offices:

The Senate switchboard provides TDD services for these offices. Very few Senate staff visit these offices, with the exception of the Office of the Official Reporters of Debates which is the only office which can comfortably accommodate a wheelchair. Staff have access to signers in the Office of Special Services should the need arise.

Administrative Offices:

Disbursing Office: The Senate switchboard provides TDD services. Because of severe crowding in the office, major renovation would be required to accommodate a Disbursing Office employee in a wheelchair. Other Senate employees in wheelchairs can be served in portions of the office easily accessible. Braille versions of brochures on health benefits, life insurance and retirement programs are available to the Disbursing Office through the Office of Personnel Management. Forms are not yet available in braille, but staff can fill out forms for those needing such assistance.

Stationery Room: One staff member is trained in sign language. Staff members assist those staff who cannot reach items on high shelves and those who cannot read price information. Merchandise is available for tactile inspection prior to purchase.

Office of Public Records: Physically and hearing impaired individuals presently are served with some assistance from staff. The visually impaired would have difficulty researching the databases themselves, but limited assistance could be provided by staff depending on the number of users of the office's services.

Document Room: Because of the number of requests for documents from the public, a TDD was installed several years ago. In addition, some staff members have been trained in sign language. Some documents are available in braille from the Library of Congress. We are exploring with the GPO the possibility of making documents available in ASCII format to facilitate faster production of braille versions of selected documents.

Senate Library: The Senate Library will be moved to a new site in the Dirksen Building. The Architect's staff will ensure compliance with ADA regarding the physical aspects of the new facility. We are exploring the possibility of establishing a network of volunteer readers from the Senate community who would be available to assist the visually impaired in the Library as well as in the Office of Public Records and the Document Room. We anticipate installing a large screen CRT for the visually impaired, a TDD and a large screen microform reader/printer.

Library staff will assist the physically impaired, but, in general, the collection stacks will be accessible to Library staff only.

Interparliamentary Services: While accommodations may be made for Members or staff traveling on official business, the level of assistance is directly dependent on the facilities available at the destination.

Commission on Art: The Commission has been working closely with the Office of Special Services to provide increased access to all exhibits in the Capitol, particularly emphasizing tactile exhibits. Staff will take any visually impaired visitor beyond the ropes in the Old Senate Chamber to touch certain items displayed there, and wheelchairs of physically impaired visitors are lifted up the steps to the second level to fully view the Chamber. Staff have been sent to training sessions and workshops to learn about barriers to exhibits that prevent or discourage the disabled from participating.

Historical Office: The Historical Office, working with Special Services, has had several brochures and documents prepared in braille and large type. As additional materials are prepared, they too will be made available in multiple formats. In addition, Volume I of Senator Byrd's noted series on the Senate is available in taped or braille format from the Library of Congress.

Office of Senate Security: Requests for special services have not been received from those whose duties bring them into contact with this office, although it should be noted that classified material is not available in alternate formats.

United States Senate

WASHINGTON, DC 20510

April 24, 1995

The Honorable Wendell H. Ford
Ranking Member
Committee on Rules and Administration
U.S. Senate
Washington, D.C. 20510

Dear Wendell:

We are writing to request the Committee publish a print describing Senate disability-related policies and services for members, staff, constituents, and visitors with disabilities. There is a wide range of disability services currently provided by the Secretary of Senate, the Sergeant at Arms, the Architect of the Capitol, and the Senate Office of Fair Employment Practices, but currently there is no convenient guide to them.


We believe this print would be a valuable resource to Senate offices. This print might also include the name of a contact person on disability matters for each of these offices and each Congressional agency (i.e., GAO, OTA, and the Library of Congress).

In addition, given the recent enactment of the Congressional Accountability Act, preparation of this print would be a timely occasion to review Senate compliance with the Americans with Disabilities Act (ADA) and the Rehabilitation Act of 1973.

We appreciate your attention to our request. If you have any questions or if we can be otherwise helpful, please contact either Alexander Vachon of Senator Dole's staff (4-8959) or Ace Gallagher of Senator Daschle's staff (4-5344).

Sincerely,

TOM DASCHLE
Democratic Leader


BOB DOLE
Majority Leader



SEMINAR

Sergeant at Arms / Secretary of the Senate

AMERICANS WITH DISABILITIES ACT GUIDELINES FOR REASONABLE ACCOMMODATIONS

The Senate Seminar Program will be sponsoring a custom tailored seminar entitled "Guidelines for Reasonable Accommodations." The Americans with Disabilities Act (ADA) prohibits employers from discriminating against a "qualified individual with a disability" with respect to job application procedures, hiring, advancement, discharge, compensation, training and other terms, conditions, and privileges of employment.

It is the responsibility of each Senate and Committee office to determine how it will comply with ADA. The following are topics to be discuss:

- o Rights of Senate employees, including disabled employees, to be free from employment discrimination;
- o What managers can do to ensure that disabled applicants and employees are not discriminated against;
- o Reasonable accommodations - personal/professional viewpoints; and
- o Overview of Congressional Special Services, including issues of public access of disabled personal to facilities on Capitol Hill and the Washington, D.C. area.

Wednesday, May 17, 1995

9:30 - 11:30 a.m.

SH-708

TO ATTEND: Please call the Senate Seminar Program at Ext. 4-5347 or (TDD) 4-4215.

This notice is printed on recycled paper and is recyclable using colored paper bins.

SUGGESTED AGENDA FOR ADA SEMINAR FOR SENATE STAFF
sponsored by the Senate Seminar Program

May 17, 1995
9:30 - 11:30 a.m., Room SH-708

(40 mins) Harriett Jenkins, Director
Valerie Olson, Counselor/Mediator
Office of Senate Fair Employment Practices
(Viewing presentation)

- Topic Rights of Senate employees, including disabled employees, to be free from employment discrimination
- A. Brief overview of Senate Rule 42, Civil Rights Act of 1991, and the Congressional Accountability Act of 1995 to show that disabled individuals have had legal protections, and will continue to be protected in the most recent Act which will go into effect in 1996.
 - B. Brief explanation of handouts.
 - C. What the disability laws provide and key definitions:
 - 1. "Qualified individual"
 - 2. "Disability"
 - 3. "Physical or mental impairment"
 - 4. "Major life activity"
 - 5. "A record of or being regarded as having an impairment"
 - 6. "Reasonable accommodation and undue hardship"
 - D. What managers can do to ensure that disabled applicants and employees are not discriminated against:
 - 1. Establish non-discriminatory qualification standards and selection criteria for positions.
 - 2. Implement non-discriminatory practices in recruitment, applications, pre-employment inquiries, testing, and job interviews.

3. When hiring an individual with a disability, commit oneself to make reasonable accommodations for that person to do his or her job.
4. Be aware of special issues of drug and alcohol abuse.
5. Incorporate good human resource management principles, including civil rights, ADA and FMLA, into one's office personnel policies.

(10 mins) Drew Batavia, Senator McCain's Staff

Topic: Reasonable accommodations - personal/professional viewpoint

(30 mins) Janet Dorsey, Senate Postmaster,

Topics: Sensitivity Training

Reasonable accommodations - personal/professional viewpoint

Resources and equipment provided to Senate offices by the Sergeant at Arms to facilitate accommodation of disabled employees

(10 mins) Debbie Jans, Congressional Special Services

Topic: Overview of Congressional Special Services and issues of public access of disabled persons to facilities

Discussion Period

If there is still time available after the panel discussion, Harriett Jenkins will put up on the overhead projector situational examples:

1. to illustrate the issues that have been covered;
2. to give the audience an opportunity to comment and apply what they have learned; and
3. to involve all of the panelists in the discussion.

DRAFT

April 27, 1995

MEMORANDUM

TO: The Honorable Robin H. Carle
Chairperson, Special Services Board

The Honorable Howard O. Greene, Jr.
Member, Special Services Board

FROM: Deborah E. Jans
Director, Special Services Office

SUBJECT: Wheelchair Policy and Procedure

I would like to recommend changes in the policy and procedures governing the use of the Capitol wheelchairs. In the past, wheelchairs were purchased and maintained by three jurisdictions: The Capitol Guide Service, The Senate Sergeant At Arms, and the Congressional Special Services Office. All of the wheelchairs were stored and signed out at the Document Door by the U.S. Capitol Police. This arrangement resulted in poor maintenance and the loss of at least three wheelchairs (Inventory Numbers S-000752, S-000755, S-000757 - a copy of the U.S. Capitol Police report is attached).

With the concurrence of the Capitol Guide Service and the Senate Sergeant At Arms, I recommend that all wheelchairs for use by tourists in the Capitol Building fall under the jurisdiction of the Congressional Special Services Office. Responsibility for

checking out wheelchairs will remain with the police officers at the Document Door, but the task of purchasing and maintaining the wheelchairs will fall under the jurisdiction of CSSO, in cooperation with the Senate Service Department.

In conjunction with this centralization of responsibility, two other changes are being made. The first change has to do with the check-out procedures. There is now a requirement that the borrower leave a photo ID with the officer when checking out a wheelchair. (A copy of the new sign out sheet and guidelines are attached.) Secondly, the spokes of the wheelchairs will be fitted with markers to allow easy identification of Capitol owned wheelchairs.

Recently, ten new wheelchairs have been purchased by the Congressional Special Services Office. These new, heavy-duty wheelchairs will replace the existing equipment. Because they are more durable, as well as larger in size, it is believed that they will better serve the visiting public. These wheelchairs will be used by visitors on tour in the Capitol Building only.

The eight existing wheelchairs will be available for those functions for which the Capitol wheelchairs are not intended: i.e., private receptions sponsored within the Capitol Complex, but privately funded; requests by Congressional Offices to provide wheelchairs for use by special guests; and short-term use by Congressional Staff.

These wheelchairs will be distributed as follows: The two wheelchairs that are labeled as the property of the Guide Service, (lack inventory numbers but have manufacturer's serial numbers are 222263 - no manufacturer's name and 221665 - Omni, Dillard Medical Inc.), will be placed under the jurisdiction of the House Sergeant

at Arms; the two wheelchairs that are the property of the Congressional Special Services Office (currently have no inventory numbers, their Everest and Jennings manufacturer's serial numbers are 2151985 and 2151986) will be inventoried and placed in storage for emergency use; and the four wheelchairs that are the property of the Senate Sergeant at Arms and were issued to the Guide Service (Inventory Numbers S-000753, S-000754, S-000756, S-11712), will be returned to the jurisdiction of the Senate Service Department.

CC: The Honorable Wilson L. Livingood

House Sergeant At Arms

Frances Rademaekers, Chief

U.S. Capitol Guide Service

Russell Jackson, Director

Senate Service Department

Steven Bahrns, Inspector

U.S. Capitol Police

Howard O. Greene, Jr.

Senate Sergeant At Arms

Frances Rademaekers

Chief, Capitol Guides

Wheelchair Guidelines

- 1) Wheelchairs are for touring use in Capitol Building only, not adjacent office buildings or outside.
- 2) Wheelchairs are for use during normal business hours. They cannot be signed out overnight.
- 3) Individuals must present some form of ID that will be returned when the wheelchair is brought back. Acceptable forms of ID include: Drivers license, State Identification Card, Passport.
- 4) Wheelchairs cannot be reserved. They are strictly on a first come, first serve basis.
- 5) Any special circumstances requiring long term use of a wheelchair should be referred to the Sergeant at Arms office.

WHEELCHAIR REQUEST FORM

TO BE COMPLETED BY BORROWER

Date

Name

Address

City

State

Zip

I understand that the use of this wheelchair is a service provided by the U.S. Capitol and the following restrictions apply:

- 1) Wheelchairs are for use in the Capitol Building only.
Do not take them outside or into adjacent office buildings.
- 2) Wheelchairs are for tour use only.
- 3) Wheelchairs are not for overnight use.
- 4) Identification left with the officer will be returned upon return of the wheelchair.

Signature

ID Returned

TO BE COMPLETED BY OFFICER

Form of ID collected: Please check one

Wheelchair #

Driver's License _____

Other (please specify) _____

Officer signing out wheelchair _____ Time Out _____

Officer signing in wheelchair _____ Time In _____

United States Senate

WASHINGTON, DC 20510

April 19, 1995

Dear Chiefs of Staff, Administrative Assistants, and Staff Directors:

The Senate Seminar Program provide an overview of their duties (ADA). The seminar will be held in Room SD-562 and will be presented by Employment. The seminar will cover

- What are a manager's duties?
- What are a manager's obligations to a disabled employee?
- How to draft job descriptions
- How to coordinate with the Department of Justice
- How the Congressional Accountability Act will affect Senate offices and their obligations.

Alexandre Vachon:

Thought you'd like to see evaluation results!

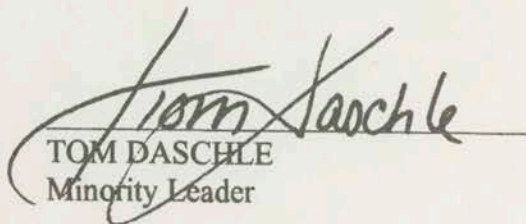
*Dee Jessup
Senate Seminar
Program off.
6-312 - Capitol*

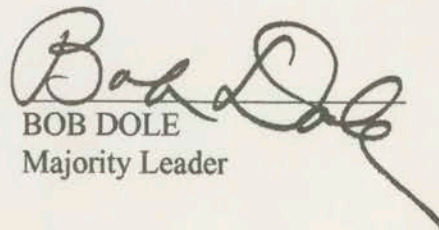
x4-0997

It is imperative that Senate offices be fully aware of their duties and obligations under the ADA. Therefore, we strongly encourage you or another representative from your office to attend this seminar. Please R.S.V.P. by contacting the Senate Seminar Program at Ext. 4-5347.

The Senate Seminar Program, in conjunction with the Office of Senate Chief Counsel for Employment, will sponsor additional seminars in the coming months that will focus on management's legal obligations under other federal employment laws.

Sincerely,


TOM DASCHLE
Minority Leader


BOB DOLE
Majority Leader

H

Dear Chiefs of Staff, Administrative

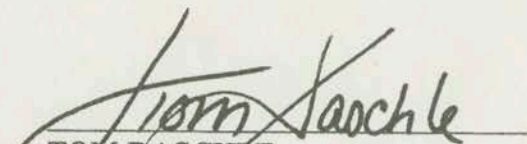
The Senate Seminar Program will be sponsoring a seminar for Senate offices that will provide an overview of their duties and obligations under the Americans with Disabilities Act (ADA). The seminar will be held on Monday, May 1, 1995, from 9:30 a.m. to 11:00 a.m. in Room SD-562 and will be presented by attorneys from the Office of Senate Chief Counsel for Employment. The seminar will cover several important topics, including:

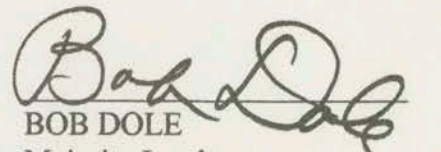
- What are a manager's legal obligations to accommodate the disabled;
- What are a manager's legal obligations when it becomes necessary to discipline a disabled employee for poor job performance;
- How to draft job descriptions that facilitate compliance with the ADA;
- How to coordinate ADA and FMLA policies in accordance with the law; and
- How the Congressional Accountability Act will affect Senate offices' ADA obligations.

It is imperative that Senate offices be fully aware of their duties and obligations under the ADA. Therefore, we strongly encourage you or another representative from your office to attend this seminar. Please R.S.V.P. by contacting the Senate Seminar Program at Ext. 4-5347.

The Senate Seminar Program, in conjunction with the Office of Senate Chief Counsel for Employment, will sponsor additional seminars in the coming months that will focus on management's legal obligations under other federal employment laws.

Sincerely,


TOM DASCHLE
Minority Leader


BOB DOLE
Majority Leader



Senate Seminar Program

Seminar Evaluation

Secretary of the Senate • Sergeant At Arms • Phone: 224-5347

1. How do you rate today's seminar?

() Excellent = 13
() Good = 7
() Adequate
() Poor

2. Degree to which this seminar met your expectations.

() More than expected = 10
() Met expectations = 10
() Did not meet expectations

3. Knowledge and effectiveness of speaker.

() Excellent = 15
() Good = 4
() Adequate = 1
() Poor

4. Length of program.

() Too short
() Good length = 10
() Too long = 8
No Answer = 2

5. Did you gain new information from this seminar?

() Yes = 17
() No = 3

44 - SIGNED UP
45 - ATTENDED
10 - WALK-INS
24 - EVALUATIONS RETURNED

6. What would have made this session more informative?

(See Page #2)

7. Additional comments/suggestions:

(See Page #2)

THANK YOU

PAGE #2.

ADA Awareness Seminar
Monday, May 1, 1995
9:30a-11:00a SD-562

Reply to #6 from Page #1 - What would have made this session more informative?

Needed an outline w/a check list.
Prefer seminar no longer than 1 hr./but know it is difficult to do.
Need clarification as to exactly what statute says/or what is implication/specify what law says then what you're required to do.
Handout for Jean/Roy's presentation would have been good for reference & take supplemental notes.
Handbook on what to do and say/what not to do or say.
Handout re: disciplining/termination may have speeded up session.
All speakers should provide outline of their presentations X 4.
Q/A after each speaker rather than at end/but could have made session too long.
Provide more information--example of handbook X 2.
Room too cold.
For length of time--extremely informative

Reply to #7 from Page #1 - Additional comments/suggestions:

Speakers took too much time going over same issue/could have been cut shorter--was much too long.
Handouts will be helpful for me and co-workers X 2.
Manager in Senate need continuous education on employment laws/including Legislative Brance, etc.

ADA Awareness Seminar
Monday, May 1, 1995
SD-562 9:30am - 11:00am

Amelia, Cathleen
-Astromsky, Karen
Balderson, Marie
Ball, John
Bartel, Dave
Berry, Anne
Brown, Dottie
-Brown, J.J.
-Buren, Julie
Butrus, Greg
-Conklin, Mary
Ellison, Diane
Gallagher, James
Gill, Kennie
-Harris, Joyce
-Harvey, Tom
-Huntington, Erin
Jackson, Russell
Jenkins, Leah
-Kapanoske, Debbbie
-McCarthy, Christine
-McGhee, Kathleen
-Mills, Anne
-Moloney, Peter
-Monaghan, Joyce
-Parmer, Patty
-Paxton, Robert
-Penny, Carol
Pittman, Angela
-Power, Joyce
-Reed, Madge
Ritch, John
-Robert, Stacey
-Rovecamp, Jan
Rushing, Margo
-Scott, Lela
Sealy, Les
-Seymour, Lynn
Shin, Susan
Siegel, Judy
-Thorne, Vickie
Walker, Arlene
-Westrom, Linda
-Wiley, Gene

Helms
Craig
Environment Comm.
Small Bus.
Kassebaum
Heflin
Inhofe
Hatch
Health Promo. Off.
Heflin
B. Kerrey
Bradley
Gregg
Rules Comm.
Finance Comm.
Vet. Aff. Comm.
Lugar
Serv. Dept.
Biden
Murkowski
Serv. Dept.
Intelligence Comm.
Daschle
Kempthorne
Faircloth
Chafee
Ford
Roth
Employee Asst. Prog.
Murray
Feinstein
Mack
Thomas
Jt. Comm. Taxation
Burns
Bumpers
Thurmond
Budget Comm.
Kennedy
Breaux
Energy Comm.
Telecomm.
Grams
Pressler

Staff
Admin. Direc.
O.M.
Stf. Direc.
Chf. of Staff
O.M.
Staff
Staff
Director
Dep. A.A.
Personnel Mgr.
O.M.
A.A.
Sr. Counsel
A.A.
Staff Direc.
Asst. Legis. Direc.
Direc.
O.M.
O.M.
Staff
Chf. Clk.
Staff.
Sys. Admin.
Off. Admin.
O.M.
O.M.
Staff
Director
O.M.
O.M.
Chf. of Staff
Admin. Direc.
Dep. A.A.
O.M.
Staff
O.M.
Chf. Clk.
Dep. Chf. of Staff
O.M.
Min. Clk.
O.M.
Off. Mgr.
Exec. Asst.

✓ Vachon, Alex
✓ Sob, Steve
✓ Lynch, Dan
✓ Adelstein, John

Dole
Labor
Fohl
Daschle .

TOTAL = 44

✓ Allen, Barbara	For. Rel.	
✓ Kmickman, Sandy	Bennett.	
✓ Allen, Cheri	Rep. Blicy	
✓ Styles, Jeff.	JEC	
✓ Grahne, Jim	Rec. Stud.	
✓ Anshles , Joan	Telecom.	
✓ Prost, Sharon	Hatch.	
✓ Mittermayer, Ann	Arm. Serv.	
✓ Kraft, Carol	Energy	Chf. clk.
✓ Fine, Kathy	Frist.	L.D.
✓ Brian Briani, N	Kassebaum	
✓ Schmalz, Peter	Leahy. - Asst. Om	
✓ Kircher, Clara	" Om. - Leahy.	
✓ Batley, Jay	Hutchison.	
✓ Ciccone, Christine	Rules - Asst. S.D.	
✓ P. McInerney - Kempthorne		

SHEILA P. BURKE
SECRETARY

JEAN MANNING
SENATE CHIEF COUNSEL FOR EMPLOYMENT

TIMOTHY W. MILLETT
ROY A. SHEETZ
SENATE ASST. COUNSELS FOR EMPLOYMENT

United States Senate

OFFICE OF THE SECRETARY
SUITE SH-143
WASHINGTON, DC 20510-7130
(202) 224-5424

MEMORANDUM

THIS DOCUMENT IS PROTECTED BY THE ATTORNEY/CLIENT PRIVILEGE

TO: Alexander Vachon
FROM: Jean Manning *JM*
DATE: May 1, 1995
RE: Congressional Accountability Act

Pursuant to your request, enclosed is a summary of the Department of Labor's definitions of "exempt" for purposes of overtime. I have attached as a separate page my office's estimate of which employees in a Member's office will be exempt from overtime.

Please let me know if you have any questions or need any additional information.

TESTS FOR THE FLSA'S "WHITE-COLLAR" EXEMPTIONS

An employee does not have to be paid overtime if the employee is an executive, administrative or professional (these employees are referred to as "exempt" employees). Two independent tests, the "long test" and the "short test," are applied to determine whether an employee falls within one of the three categories. An employee who satisfies either the long test or the short test is exempt from the FLSA minimum wage and overtime requirements. Below are the long and short tests for executive, administrative, and professional employees.

Executive Employees

To qualify as an executive employee under the **long test**, an employee must be paid on a salary basis and must meet **all** of the following requirements:

- (1) Duties: Primarily management¹ of an entity;
- (2) Supervision: Customarily and regularly directs two or more other employees;
- (3) Authority: Possesses the power to hire or fire employees, or provides suggestions that are given substantial weight in such decisions, including promotions;
- (4) Discretion: Customarily and regularly exercises discretionary power;
- (5) Work Responsibility: Does not devote more than 20 percent of his or her hours in a workweek to the performance of activities not closely related to factors (1) through (4); and
- (6) Compensation: Is paid not less than \$155 per week exclusive of board, lodging or other facilities (approximately \$8,060 per year).

Using the **short test**, an executive employee must be paid on a salary basis and must meet **all** of the following requirements to be exempt under the FLSA:

- (1) Compensation: Is paid not less than \$250 per week exclusive of board, lodging or other facilities (approximately \$13,000 per year);
- (2) Duties: Primarily management of an entity; and
- (3) Supervision: Customarily and regularly directs two or more other employees.

¹ Under DOL regulations, an employee's duties are "primarily" management if the employee spends at least 50% of his/her time performing those duties. If the employee does not meet this 50% requirement, the employee's duties may still be considered to be "primarily" management, depending on the frequency with which the employee exercises discretionary powers, the relative freedom of the employee from supervision, the relationship between the employee's salary and the wages of other employees who perform the same kind of work, and the relative importance of the employee's managerial duties as compared with other duties the employee performs.

Administrative Employees

Under the **long test**, an administrative employee must be paid on a salary basis and must meet **all** of the following requirements to be exempt from the FLSA minimum wage and overtime provisions:

- (1) Duties: Primarily² consist of either non-manual or office work directly related to management policies or general business operations; or the performance of administrative functions in an educational establishment in work related to academic instruction or training;
- (2) Discretion: Customarily and regularly exercises discretion and independent judgment;
- (3) Supervision: Regularly and directly assists a person employed in an executive or administrative capacity; or performs under only general supervision work requiring special training, experience, or knowledge; or executes special assignments and tasks under only general supervision;
- (4) Work Responsibility: Does not devote more than 20 percent of work time to activities not directly or closely related to performance of administrative work; and
- (5) Compensation: Is paid not less than \$155 per week exclusive of board, lodging or other facilities (approximately \$8,060 per year).

Using the **short test**, an administrative employee must be paid on a salary basis and must meet **all** of the following requirements to be exempt under the FLSA:

- (1) Compensation: Is paid not less than \$250 per week exclusive of board, lodging or other facilities (approximately \$13,000 per year);
- (2) Duties: Primarily performance of office or non-manual work directly related to management policies or general business operations; or the performance of functions in the administration of an educational establishment, or a department of subdivision thereof, in work related to academic instruction or training; and
- (3) Discretion: Primary duty includes work requiring the exercise of discretion and independent judgment.

²

See footnote 1 for the definition of "primarily."

Professional Employees

A professional employee must be paid on a salary or fee basis and must meet **all** of the following requirements to be exempt under the FLSA using the **long test**:

- (1) Duties: Primarily³ consist of work requiring: advanced learning acquired by a prolonged course of specialized intellectual instruction, as distinguished from general academic education, apprenticeships, or routine training; or original or creative work depending primarily on invention, imagination, or talent; or teaching, tutoring, instructing, or lecturing for a school system or educational institution;
- (2) Discretion: Work requiring the consistent exercise of discretion and judgment;
- (3) Work Product: Predominantly intellectual and varied in character and which cannot be standardized in relation to a given period of time;
- (4) Work Responsibility: Does not devote more than 20 percent of work time to activities that are not essential, part of, or necessarily incident to the work; and
- (5) Compensation: Is paid not less than \$170 per week exclusive of board, lodging or other facilities (approximately \$8,840 per year).

Under the **short test**, a professional employee must be paid on a salary or fee basis and must meet **all** of the following requirements to be exempt from the FLSA minimum wage and overtime requirements:

- (1) Compensation: Is paid not less than \$250 per week exclusive of board, lodging or other facilities (approximately \$13,000 per year);
- (2) Duties: Primarily consist of work requiring advanced learning or that is original and creative in a recognized artistic field; and
- (3) Discretion: Performs work that requires the consistent exercise of discretion and judgment or that requires invention, imagination or talent in a recognized field of artistic endeavor.

Exceptions

As noted above, executive and administrative employees must be paid on a salary basis, and professionals must be paid on either a salary or fee basis. However, doctors and lawyers can also be paid on an hourly basis. In addition, camera operators, and computer software professionals can be paid on an hourly basis, provided that their rate of pay is at least 6 1/2 times the minimum wage.

³

See footnote 1 for the definition of "primarily."

FLSA RECORDKEEPING REQUIREMENTS

FLSA regulations issued by the Secretary of Labor require employers to maintain the following payroll records:

Employees who are subject to minimum wage and/or overtime:

1. Name in full, as used for Social Security recordkeeping purposes and, on the same record, the employee's identifying symbol or number if such is used in place of name in any payroll records;
2. Home address, including zip code;
3. Date of birth, if under 19;
4. Gender and occupation in which employed (sex may be indicated by use of prefixes Mr., Mrs., Miss, Ms.);
5. Time of day, and day of week on which the employee's workweek begins (if all workers in an office begin the workweek at the same time on the same day, a single notation of the time of the day and beginning day of the workweek for the entire office will suffice);
6. Regular hourly rate of pay for any workweek for which any overtime compensation is due and an explanation of the basis for the regular rate, and any exclusion thereof;
7. Hours worked each workday and total hours worked each workweek (a "workday" is any fixed period of 24 consecutive hours and "workweek" is any fixed and regularly recurring period of seven consecutive workdays);
8. Total daily or weekly straight-time earnings or wages due for hours worked during the workday or workweek, exclusive of overtime compensation;
9. Total premium pay for overtime hours;
10. Total additions to, or deductions from, wages paid each pay period;
11. Total wages paid each pay period; and
12. Date of payment and the pay period covered by payment.

With respect to nonexempt employees working on fixed schedules, an employer may maintain records showing, instead of the hours worked each day and each week, the schedule of daily and weekly hours the employee normally works. In weeks in which the employee adheres to this schedule, the employer must indicate by checkmark, statement or other method that the fixed hours were, in fact, actually worked by the employee. In weeks in more or fewer than the scheduled number of hours are worked, the employer's records must show the exact number of hours worked each day and each week.

Employees who are exempt from overtime and minimum wages:

An employer is required to maintain records containing all of the above information for employees who are exempt from the FLSA's minimum wage and/or overtime provisions, except for the information in items 6 through 10. In addition, an employer must maintain records for exempt employees in sufficient detail to permit calculation for each pay period of the employee's total remuneration for employment, including fringe benefits and prerequisites. (This may be shown as a dollar amount of earnings per month, per week, etc. with appropriate addenda such as "plus hospitalization and insurance plan A," "Benefit package B," "2 weeks paid vacation," etc.).

FLSA regulations require employers to preserve payroll records, collective bargaining agreements, and individual employment contracts for at least three years. FLSA regulations further require employers to preserve basic employment and earning records, wage rate tables, and records of additions to or deductions from wages paid for at least two years.

ESTIMATE OF EXEMPT STATUS

Washington, D.C. Office:

<u>Position</u>	<u>Status</u>
Chief of Staff	Exempt
Legislative Director	Exempt
Legislative Counsel	Exempt
Legislative Assistant	? ^{1/}
Legislative Correspondent	Non-exempt
Press Secretary/Communications Director	Exempt ^{2/}
Deputy Press Secretary	Non-exempt
Office Manager	Exempt
Correspondence Manager	? ^{1/}
Systems Administrator	Exempt
Intern Coordinator/Supervisor	? ^{1/}
Executive Assistant/Personal Secretary	? ^{3/}
Scheduling Assistant	Non-exempt
Receptionist	Non-exempt
Staff Assistant	Non-exempt
Driver/Messenger	Non-exempt
CMS Operator/Computer Operator	Non-exempt
Mail Clerk	Non-exempt

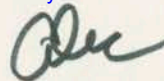
State Offices:

<u>Position</u>	<u>Status</u>
State Director	Exempt
Field Representative/Caseworker	? ^{1/}
Press and Community Liaison	? ^{1/}
Staff Assistant	Non-exempt

^{1/} It is questionable whether these employees perform sufficient executive or administrative functions to qualify as exempt employees. To the extent that a significant amount of these employees' duties or work involves directing or supervising other employees (including interviewing and training and planning, supervising and evaluating work) there is a stronger argument that they are exempt from FLSA overtime requirements.

^{2/} The Press Secretary/Director of Communications may not be exempt from FLSA overtime requirements if he/she does not supervise and/or manage the other press staff of the office.

^{3/} The Executive/Personal Assistant to the Senator may qualify as exempt under the FLSA if he/she acts as a true executive assistant, i.e., he/she must perform executive and administrative functions, exercise independent discretion and judgment, and perform office work that is directly related to management policies or general business operations of the Office.



United States Senate

WASHINGTON, DC 20510

April 19, 1995

Dear Chiefs of Staff, Administrative Assistants, and Staff Directors:

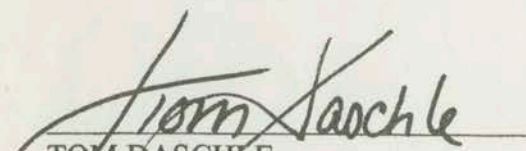
The Senate Seminar Program will be sponsoring a seminar for Senate offices that will provide an overview of their duties and obligations under the Americans with Disabilities Act (ADA). The seminar will be held on Monday, May 1, 1995, from 9:30 a.m. to 11:00 a.m. in Room SD-562 and will be presented by attorneys from the Office of Senate Chief Counsel for Employment. The seminar will cover several important topics, including:

- What are a manager's legal obligations to accommodate the disabled;
- What are a manager's legal obligations when it becomes necessary to discipline a disabled employee for poor job performance;
- How to draft job descriptions that facilitate compliance with the ADA;
- How to coordinate ADA and FMLA policies in accordance with the law; and
- How the Congressional Accountability Act will affect Senate offices' ADA obligations.

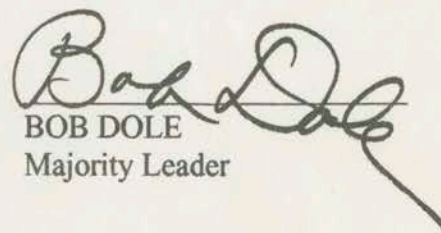
It is imperative that Senate offices be fully aware of their duties and obligations under the ADA. Therefore, we strongly encourage you or another representative from your office to attend this seminar. Please R.S.V.P. by contacting the Senate Seminar Program at Ext. 4-5347.

The Senate Seminar Program, in conjunction with the Office of Senate Chief Counsel for Employment, will sponsor additional seminars in the coming months that will focus on management's legal obligations under other federal employment laws.

Sincerely,



TOM DASCHLE
Minority Leader



BOB DOLE
Majority Leader



SEMINAR

Sergeant at Arms / Secretary of the Senate

AMERICANS WITH DISABILITIES ACT GUIDELINES FOR REASONABLE ACCOMMODATIONS

The Senate Seminar Program will be sponsoring a custom tailored seminar entitled "Guidelines for Reasonable Accommodations." The Americans with Disabilities Act (ADA) prohibits employers from discriminating against a "qualified individual with a disability" with respect to job application procedures, hiring, advancement, discharge, compensation, training and other terms, conditions, and privileges of employment.

It is the responsibility of each Senate and Committee office to determine how it will comply with ADA. The following are topics to be discuss:

- o Rights of Senate employees, including disabled employees, to be free from employment discrimination;
- o What managers can do to ensure that disabled applicants and employees are not discriminated against;
- o Reasonable accommodations - personal/professional viewpoints; and
- o Overview of Congressional Special Services, including issues of public access of disabled personal to facilities on Capitol Hill and the Washington, D.C. area.

Wednesday, May 17, 1995

9:30 - 11:30 a.m.

SH-708

TO ATTEND: Please call the Senate Seminar Program at Ext. 4-5347 or (TDD) 4-4215.

This notice is printed on recycled paper and is recyclable using colored paper bins.

Alex Vachon -- FYI.

United States Senate

OFFICE OF THE SERGEANT AT ARMS
WASHINGTON, DC 20510-7200
OFFICIAL BUSINESS

Harold O. Greene, Jr.
SERGEANT AT ARMS OF U.S. SENATE



INSIDE MAIL

COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT IN EMPLOYEE RECRUITING AND HIRING

Job Descriptions

- The ADA does not require that employers develop written job descriptions. However, written job descriptions facilitate ADA compliance because they:

- 1) Define the functions of a position;

- The ADA provides that written job descriptions prepared **before** advertising or interviewing applicants for a position will be considered evidence of the essential functions of the job;

- 2) Ensure that all job applicants receive the same information about the job;

- 3) Provide a consistent point of reference for:

- job advertisements and notices;
- job interviews;
- performance reviews; and
- employee discipline.

- Offices should review job descriptions often to ensure that they are accurate and up-to-date.

- At a minimum, job descriptions should state the qualifications for the position and should describe all functions of the job, including "essential" and "marginal" functions.

- Job descriptions should focus on the functions that must be performed, rather than on the physical manner in which the job is currently being done.

Example: The job description for a data processing position should state, as a qualification, "ability to use WordPerfect, Windows, Lotus, etc.," or "ability to type 50 words per minute," **not** "excellent manual dexterity" or "ability to clearly view a computer screen."

- Well-written job descriptions also facilitate compliance with other laws made applicable to the Senate by the Congressional Accountability Act of 1995, such as the overtime requirements of the Fair Labor Standards Act.

Senate Chief Counsel for Employment
SH-143; 4-5424

Job Advertisements and Notices

- Job advertisements and notices should provide detailed information about the essential functions of the job, consistent with job description. This will attract applicants, including persons with disabilities, who have appropriate qualifications for the position.
- Job advertisements and notices should state that the office is an "Equal Opportunity Employer."

General Guidelines for all Pre-Employment Inquiries

- The ADA prohibits any pre-employment inquires about the existence, nature or severity of a disability:
 - 1) on application forms;
 - 2) in job interviews; or
 - 3) in background or reference checks.

This includes any inquiry, direct or indirect, that is likely to elicit information about a disability. However, an employer may obtain necessary information regarding an applicant's qualifications, including medical information necessary to assess qualifications and to assure health and safety on the job.

Pre-employment inquiries before making a job offer.

At this stage, an employer:

- 1) may not ask an applicant about the existence, nature or severity of a disability;
- 2) may question an applicant about his or her ability to perform specific job functions of the job for which the applicant is applying;
- 3) may make a job offer that is conditioned on satisfactory results of a post-offer medical examination or inquiry.

Senate Chief Counsel for Employment
SH-143; 4-5424

Pre-employment inquiries after making a conditional job offer.

At this stage, an employer may:

- 1) conduct a medical examination, or
- 2) ask health-related questions,

if all candidates in same job category are required to take the same examination and/or respond to the same questions. All such examinations or questions must be related to whether the candidate can perform the functions of the job.

Job Application Forms

All questions that relate in any way to an applicant's disability should be eliminated from an office's employment application form. Examples of **illegal** questions include:

- Is there any health-related reason that you may not be able to perform the job for which you are applying?
- How many days were you absent from work last year because of illness?
- Have you ever had or been treated for any of the following conditions or diseases? (Followed by a checklist of various conditions and diseases.)
- Please list any conditions or diseases for which you have been treated in the past [number] years.
- Have you ever been hospitalized? If so, for what condition?
- Have you ever been treated by a psychiatrist or psychologist? If so, for what condition?
- Are you taking any prescribed drugs or medications?
- Have you ever been treated for drug addiction or alcoholism?
- Have you ever filed a workers' compensation claim?
- Will you need or request leave for medical treatment or for other reasons related to disability?

Senate Chief Counsel for Employment
SH-143; 4-5424

Job Interviews

- Any person who conducts a job interview on behalf of an office will be deemed to be an agent of that office for purposes of the ADA. For this reason, an office should carefully select a limited number of persons to conduct job interviews for the office. These persons should receive specific training in how to conduct interviews in accordance with the ADA and other federal anti-discrimination laws.
- The key to ADA compliance in job interviews is to focus all inquiries on the applicant's ability to perform the functions of the job, rather than his/her actual or perceived disability.

Direct inquiries about disabilities.

- Direct inquiries about the existence, nature or severity of a disability are specifically prohibited by the ADA. Instead, the interviewer should ask whether the applicant is able to perform the functions of the job with or without an accommodation. This includes the applicant's ability to perform all job functions, not merely those that are essential to the job.

Examples: "This job requires an employee to prepare written reports containing detailed factual summaries. The reports must frequently be prepared within a short time frame. Can you perform this function with or without a reasonable accommodation?"

or

"This job requires an employee to answer telephones for eight hours a day, to greet visitors to the office, and to perform data entry using WordPerfect. Can you perform these functions with or without a reasonable accommodation?"

NOT

"Can you see well enough to operate a computer?"

or

"Can you hear and/or speak well enough to answer telephone calls?"

Senate Chief Counsel for Employment
SH-143; 4-5424

Requests to describe or demonstrate performance of job-related functions.

- If a job applicant responds that he or she is able to perform the functions of the job, the interviewer may ask the applicant to describe or to demonstrate how he or she will perform specific job functions, **if this is required of everyone applying for a job in this job category, regardless of disability.**
- If an applicant has a known disability that would appear to interfere with or prevent performance of a job-related function (**or**, if the applicant voluntarily discloses such a disability) the applicant may be asked to describe or to demonstrate how this function would be performed, even if other applicants do not have to do so.

Example: An applicant for a data entry position who voluntarily discloses that she has a visual impairment could be asked to describe or to demonstrate how she would operate a computer.

Inquiries about impairments.

- Inquiries about impairments are unlawful only if they are likely to elicit information about an applicant's disability. (An impairment is a disability only if it "substantially limits one or more major life activities.")

Example: It is not illegal to ask an applicant with a broken leg how he broke his leg (e.g., skiing, rock-climbing, etc.) because it would not reveal whether the applicant is disabled. It would be illegal to ask about the extent of the break or duration of the healing period.

Inquiries about attendance.

- An interviewer may ask about an applicant's attendance record at previous jobs, but cannot ask about sick days, disability leave, etc. The easiest way to address this is to describe regular work hours, leave policies, and any special attendance needs of the job and then ask whether the applicant can meet the attendance requirements.

Example: "Our regular work hours are 9:00 a.m. to 6:00 p.m., Monday through Friday, but we expect employees in this position to work whenever the Senate is in session, which may include very late evenings, weekends and holidays. New employees get 2 weeks of vacation and 5 paid sick days per year. Can you meet these attendance requirements?"

Senate Chief Counsel for Employment
SH-143; 4-5424

Inquiries about drug use.

- An interviewer may ask whether an applicant is currently using illegal drugs. The interviewer cannot ask about use of medications and prescription drugs, previous drug use, or treatment for drug and alcohol abuse.

Inquiries about workers' compensation history.

- The ADA prohibits an employer from asking, at the pre-offer stage, about job-related injuries or workers' compensation history, because these inquiries are likely to elicit information about an applicant's disability.

Background Checks

- In conducting background or reference checks of applicants, an employer (or its agent) may not request information from an applicant's previous employer or other source that the employer may not itself request of the job applicant. This includes information relating to:
 - disability;
 - illness;
 - workers' compensation history; or
 - any other question that an employer may not ask an applicant.
- A previous employer may be asked about:
 - job functions and tasks performed by the applicant;
 - the quality and quantity of work performed;
 - how job functions were performed; and
 - attendance record (but not sick days).
- If an applicant has a known disability and has indicated that he or she could perform a job with a reasonable accommodation, a previous employer may be asked about accommodations that were made for the applicant.

Senate Chief Counsel for Employment
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Examples: A person with dyslexia relating to reading should be given an opportunity to take a written test orally, unless the ability to read is a job-related function that the test is designed to measure.

Persons with certain disabilities, such as visual impairments, should be provided with extra time to take a test, unless speed is a job-related skill that the test is designed to measure.

Pre-Employment Medical Examinations

- Pre-employment medical examinations may be given only after a job offer has been extended to an applicant. To comply with the ADA, the examination must be required of all entering employees in the same job category and it must be related to whether the candidate can perform the functions of the job.
- All information obtained regarding the medical condition or history of an applicant must be collected and maintained on separate forms and in separate medical files and must be treated as a confidential medical record. Supervisors and managers may be informed of necessary work restrictions and accommodations on a need-to-know basis.

Post-Employment Medical Examinations or Inquiries

- Once an employee is hired, an employer cannot require a medical examination, inquire as to disability, or inquire as to the nature or severity of a disability, unless the examination or inquiry is "job related and consistent with business necessity." **As with applicants, employer may always ask employees about their ability to perform job-related functions.**

Example: An employer who suspects, because of erratic behavior, that an employee has a psychiatric disability may question the employee regarding his or her ability to perform job functions.

PRE-EMPLOYMENT INQUIRY GUIDELINES

ACCEPTABLE QUESTIONS	SUBJECT	UNACCEPTABLE QUESTIONS
<p>Name</p> <p>"Have you ever used another name?" /or/ "Is there additional information relative to change of name, use of an assumed name, or nickname necessary to enable a check on your work and education record? If yes, please explain."</p>	NAME	Maiden name.
<p>What is your home address?</p>	RESIDENCE	"Do you own your home?"
<p>If person appears to be underage, you may ask:</p> <p>"If hired can you show proof of age?"</p>	AGE	<p>Age.</p> <p>Birthdate.</p> <p>Dates of attendance or completion of elementary or high school.</p> <p>Questions which tend to identify applicants over age 40.</p>
<p>Because federal law prohibits the federal government from employing people who are citizens of certain countries, you may ask the person's citizenship, but you should explain why you are asking the question.</p>	BIRTHPLACE, NATIONAL ORIGIN	<p>Birthplace of applicant, applicant's parents, spouse, or other relatives.</p> <p>Questions regarding ancestry.</p>
<p>Languages applicant reads, speaks, or writes, if use of a language other than English is relevant to the job for which applicant is applying.</p>	NATIONAL ORIGIN	<p>Questions as to nationality, lineage, ancestry, national origin, descent, or parentage of applicant, applicant's parents, or spouse.</p> <p>"What is your mother tongue?" /or/ Language commonly used by applicant.</p> <p>How applicant acquired ability to read, write, or speak a foreign language.</p>
	RACE, COLOR	<p>Questions as to applicant's race or color.</p> <p>Questions regarding applicant's complexion or color of skin, eyes, hair.</p>
<p>Statement that photograph may be required after employment.</p>	PHYSICAL DESCRIPTION, PHOTOGRAPH	<p>Questions as to applicant's height and weight.</p> <p>Require applicant to affix a photograph to application.</p> <p>Request applicant, at his or her option, to submit a photograph.</p> <p>Require a photograph after interview but before employment.</p>

HARRING/ Tim - Interviewing

- AOA does not require written job descriptions, but still important to do so.
- Focus on functions of job, not specific manner of performing functions.
- Key: cannot ask about disability, can ask about ability to perform specific functions.

Discipline/Termination

- Employer may hold all employees to same rules of conduct - "equal opportunity".
- Employer only has to accommodate known disabilities.
{ Employer has burden of accommodation.
- Cannot discipline on basis of disability.
- Employer never need tolerate violence or threats of violence.
Does not have to make accommodation if direct threat to health or safety of other employees.

(-3-)

PRE-EMPLOYMENT INQUIRY GUIDELINES

ACCEPTABLE QUESTIONS	SUBJECT	UNACCEPTABLE QUESTIONS
<p>Name and address of parent or guardian if applicant is a minor.</p> <p>Statement of the length of the workday.</p>	<p>SEX, MARITAL STATUS, FAMILY</p>	<p>Questions that indicate applicant's sex.</p> <p>Questions that indicate applicant's marital status.</p> <p>Questions that ask whether the applicant has children or ages of children or dependents.</p> <p>Questions about the applicant's provisions for child care.</p> <p>Questions regarding pregnancy, child bearing or birth control.</p> <p>Name or address of relative, spouse, or children of adult applicant. Note that it is not proper to ask, "Which relative can we contact in an emergency?"</p> <p>"With whom do you reside?" /or/ "Do you live with your parents?"</p>
<p>Statement by employer that offer may be made contingent on applicant passing a job-related physical examination.</p> <p>May ask about applicant's ability to perform a specific job function of the job for which the applicant is applying, as long as question isn't framed in terms of disability. For example, can state that job requires long hours or heavy lifting.</p>	<p>PHYSICAL CONDITION, DISABILITY</p>	<p>Questions regarding applicant's general medical condition, state of health, or illnesses.</p> <p>Questions regarding receipt of Workers' Compensation.</p> <p>"Do you have any physical disabilities or handicaps?"</p>
<p>Statement by employer of regular days, hours, or shifts to be worked.</p>	<p>RELIGION</p>	<p>Questions regarding applicant's religion.</p> <p>Religious days observed /or/ "Does your religion prevent you from working weekends or holidays?"</p>
<p>"Have you ever been convicted of a <u>felony</u>?" Such a question must be accompanied by a statement that a conviction will not necessarily disqualify an applicant from employment.</p>	<p>ARREST, CRIMINAL RECORD</p>	<p>Inquiry about the applicant's arrest record /or/ "Have you ever been arrested?" /or/ "Have you ever been arrested for a misdemeanor?"</p>
<p>Questions regarding relevant skills acquired during applicant's U.S. military service.</p>	<p>MILITARY SERVICE</p>	<p>General questions regarding military services such as dates, and type of discharge.</p> <p>Questions regarding service in a foreign military.</p>

3 Functions of Senate Employment Counsel (cont)

3. Give seminars

Focus Today on ADA

Why Start w ADA?

- requests from offices
- I have deflected officers in dozens of cases, disability appears frequently

Random Points:

① → Big source of lawsuit - absolutism as protected disability.

② Provisions of law:
- prohibit discrimination
- reasonable accommodation

③ Time of ADA meetings
- schedule adjustments
- assistive equipment
- rearrange room "immediately"
- drinks
- transport to vacation (last resort)

5/1/95 Jean Manning

28 people
- 30

5/1/95

- Search Employee Council
- 3 attorneys in office

Represent "managers" only - If sued, advise on how to follow law

Office created in 1993.

3 Responsibilities

1. Advise "managers" day-to-day basis on employment issues
60-70% time

- leave policies (Paid & Unpaid Leave Act)
- discipline/termination procedures, documentation
- interviewing, esp. ADA
- review employee handbook - esp. Cong. Accountability Act
{ later generic handbook available.

Why need handbook

1. allows know what rules are - for supervisors
2. info for employees
3. evidence in lawsuit

likely every office will have to pay some people overtime, beginning January 1996.

2. Defend offices against charges of discrimination claims
office often very short response time - 10 days.

(-1-)



Senate Seminar Program

Seminar Evaluation

Secretary of the Senate • Sergeant At Arms • Phone : 224-5347

1. How do you rate today's seminar?

- ☐ Excellent
- ☐ Good
- ☐ Adequate
- ☐ Poor

4. Length of program

- ☐ Too short
- ☐ Good length
- ☐ Too long

2. Degree to which this seminar met your expectations.

- ☐ More than expected
- ☐ Met expectations
- ☐ Did not meet expectations

5. Did you gain new information from this seminar?

- ☐ Yes
- ☐ No

3. Knowledge and effectiveness of speaker

- ☐ Excellent
- ☐ Good
- ☐ Adequate
- ☐ Poor

6. What would have made this session more informative?

7. Additional comments/suggestions:

IF YOU HAVE ANY SPECIFIC QUESTIONS, PLEASE PROVIDE YOUR:

(Name:)

(Office)

(Phone number, EXT.)

NOTE: PLEASE COMPLETE AND RETURN THIS FORM AT THE END OF THE SEMINAR. THANK YOU!

ADA INTERVIEW GUIDELINES

ACCEPTABLE QUESTIONS	UNACCEPTABLE QUESTIONS
Are you able to perform the functions of this job with or without an accommodation?	Is there any health-related reason you may not be able to perform this job? Do you have any disabilities or impairments which may affect your performance in this job? Will you need or request leave for medical treatment or for other reasons related to disability?
How many days did you miss from work in your previous job?	How many days did you miss from work in your previous job because of illness or injury?
Can you meet the attendance requirements of this job?	How will you get to and from work?
Are you currently using illegal drugs?	Have you ever used illegal drugs? Have you ever been treated for drug addiction or alcoholism? Are you taking any prescribed drugs or medications?
Can you describe or demonstrate how you will perform the functions of this job?	What accommodations will you need to be able to perform this job?
	Have you ever filed a workers' compensation claim?

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<p>If person appears to be underage, you may ask:</p> <p>"If hired can you show proof of age?"</p>	AGE	<p>Age.</p> <p>Birthdate.</p> <p>Dates of attendance or completion of elementary or high school.</p> <p>Questions which tend to identify applicants over age 40.</p>
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<p>Languages applicant reads, speaks, or writes, <u>if</u> use of a language other than English is relevant to the job for which applicant is applying.</p>	NATIONAL ORIGIN	<p>Questions as to nationality, lineage, ancestry, national origin, descent, or parentage of applicant, applicant's parents, or spouse.</p> <p>"What is your mother tongue?" /or/ Language commonly used by applicant.</p> <p>How applicant acquired ability to read, write, or speak a foreign language.</p>
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PRE-EMPLOYMENT INQUIRY GUIDELINES

ACCEPTABLE QUESTIONS	SUBJECT	UNACCEPTABLE QUESTIONS
"Please list job-related organizations, clubs, professional societies, or other associations to which you belong - you may omit those which indicate your race, religious creed, color, national origin, ancestry, sex, or age."	ORGANIZATIONS, ACTIVITIES	"List all organizations, clubs, societies, and lodges to which you belong."
Name and address of person to be notified in case of accident or emergency.	NOTICE IN CASE OF EMERGENCY	Name, address and relationship of relative to be notified in case of accident or emergency.
A Senate employer can take into account an applicant's party affiliation, domicile and political compatibility with the employing office	PARTY AFFILIATION, DOMICILE AND POLITICAL COMPATIBILITY	

COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT IN EMPLOYEE RECRUITING AND HIRING

Job Descriptions

- The ADA does not require that employers develop written job descriptions. However, written job descriptions facilitate ADA compliance because they:

- 1) Define the functions of a position;

- The ADA provides that written job descriptions prepared **before** advertising or interviewing applicants for a position will be considered evidence of the essential functions of the job;

- 2) Ensure that all job applicants receive the same information about the job;

- 3) Provide a consistent point of reference for:

- job advertisements and notices;
- job interviews;
- performance reviews; and
- employee discipline.

- Offices should review job descriptions often to ensure that they are accurate and up-to-date.

- At a minimum, job descriptions should state the qualifications for the position and should describe all functions of the job, including "essential" and "marginal" functions.

- Job descriptions should focus on the functions that must be performed, rather than on the physical manner in which the job is currently being done.

Example: The job description for a data processing position should state, as a qualification, "ability to use WordPerfect, Windows, Lotus, etc.," or "ability to type 50 words per minute," **not** "excellent manual dexterity" or "ability to clearly view a computer screen."

- Well-written job descriptions also facilitate compliance with other laws made applicable to the Senate by the Congressional Accountability Act of 1995, such as the overtime requirements of the Fair Labor Standards Act.

Senate Chief Counsel for Employment
SH-143; 4-5424

Job Advertisements and Notices

- Job advertisements and notices should provide detailed information about the essential functions of the job, consistent with job description. This will attract applicants, including persons with disabilities, who have appropriate qualifications for the position.
- Job advertisements and notices should state that the office is an "Equal Opportunity Employer."

General Guidelines for all Pre-Employment Inquiries

- The ADA prohibits any pre-employment inquiries about the existence, nature or severity of a disability:
 - 1) on application forms;
 - 2) in job interviews; or
 - 3) in background or reference checks.

This includes any inquiry, direct or indirect, that is likely to elicit information about a disability. However, an employer may obtain necessary information regarding an applicant's qualifications, including medical information necessary to assess qualifications and to assure health and safety on the job.

Pre-employment inquiries before making a job offer.

At this stage, an employer:

- 1) may not ask an applicant about the existence, nature or severity of a disability;
- 2) may question an applicant about his or her ability to perform specific job functions of the job for which the applicant is applying;
- 3) may make a job offer that is conditioned on satisfactory results of a post-offer medical examination or inquiry.

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Pre-employment inquiries after making a conditional job offer.

At this stage, an employer may:

- 1) conduct a medical examination, or
- 2) ask health-related questions,

if all candidates in same job category are required to take the same examination and/or respond to the same questions. All such examinations or questions must be related to whether the candidate can perform the functions of the job.

Job Application Forms

All questions that relate in any way to an applicant's disability should be eliminated from an office's employment application form. Examples of **illegal** questions include:

- Is there any health-related reason that you may not be able to perform the job for which you are applying?
- How many days were you absent from work last year because of illness?
- Have you ever had or been treated for any of the following conditions or diseases? (Followed by a checklist of various conditions and diseases.)
- Please list any conditions or diseases for which you have been treated in the past [number] years.
- Have you ever been hospitalized? If so, for what condition?
- Have you ever been treated by a psychiatrist or psychologist? If so, for what condition?
- Are you taking any prescribed drugs or medications?
- Have you ever been treated for drug addiction or alcoholism?
- Have you ever filed a workers' compensation claim?
- Will you need or request leave for medical treatment or for other reasons related to disability?

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SH-143; 4-5424

Job Interviews

- Any person who conducts a job interview on behalf of an office will be deemed to be an agent of that office for purposes of the ADA. For this reason, an office should carefully select a limited number of persons to conduct job interviews for the office. These persons should receive specific training in how to conduct interviews in accordance with the ADA and other federal anti-discrimination laws.
- The key to ADA compliance in job interviews is to focus all inquiries on the applicant's ability to perform the functions of the job, rather than his/her actual or perceived disability.

Direct inquiries about disabilities.

- Direct inquiries about the existence, nature or severity of a disability are specifically prohibited by the ADA. Instead, the interviewer should ask whether the applicant is able to perform the functions of the job with or without an accommodation. This includes the applicant's ability to perform all job functions, not merely those that are essential to the job.

Examples: "This job requires an employee to prepare written reports containing detailed factual summaries. The reports must frequently be prepared within a short time frame. Can you perform this function with or without a reasonable accommodation?"

or

"This job requires an employee to answer telephones for eight hours a day, to greet visitors to the office, and to perform data entry using WordPerfect. Can you perform these functions with or without a reasonable accommodation?"

NOT

"Can you see well enough to operate a computer?"

or

"Can you hear and/or speak well enough to answer telephone calls?"

Senate Chief Counsel for Employment
SH-143; 4-5424

Requests to describe or demonstrate performance of job-related functions.

- If a job applicant responds that he or she is able to perform the functions of the job, the interviewer may ask the applicant to describe or to demonstrate how he or she will perform specific job functions, **if this is required of everyone applying for a job in this job category, regardless of disability.**
- If an applicant has a known disability that would appear to interfere with or prevent performance of a job-related function (**or**, if the applicant voluntarily discloses such a disability) the applicant may be asked to describe or to demonstrate how this function would be performed, even if other applicants do not have to do so.

Example: An applicant for a data entry position who voluntarily discloses that she has a visual impairment could be asked to describe or to demonstrate how she would operate a computer.

Inquiries about impairments.

- Inquiries about impairments are unlawful only if they are likely to elicit information about an applicant's disability. (An impairment is a disability only if it "substantially limits one or more major life activities.")

Example: It is not illegal to ask an applicant with a broken leg how he broke his leg (e.g., skiing, rock-climbing, etc.) because it would not reveal whether the applicant is disabled. It would be illegal to ask about the extent of the break or duration of the healing period.

Inquiries about attendance.

- An interviewer may ask about an applicant's attendance record at previous jobs, but cannot ask about sick days, disability leave, etc. The easiest way to address this is to describe regular work hours, leave policies, and any special attendance needs of the job and then ask whether the applicant can meet the attendance requirements.

Example: "Our regular work hours are 9:00 a.m. to 6:00 p.m., Monday through Friday, but we expect employees in this position to work whenever the Senate is in session, which may include very late evenings, weekends and holidays. New employees get 2 weeks of vacation and 5 paid sick days per year. Can you meet these attendance requirements?"

Senate Chief Counsel for Employment
SH-143; 4-5424

Inquiries about drug use.

- An interviewer may ask whether an applicant is currently using illegal drugs. The interviewer cannot ask about use of medications and prescription drugs, previous drug use, or treatment for drug and alcohol abuse.

Inquiries about workers' compensation history.

- The ADA prohibits an employer from asking, at the pre-offer stage, about job-related injuries or workers' compensation history, because these inquiries are likely to elicit information about an applicant's disability.

Background Checks

- In conducting background or reference checks of applicants, an employer (or its agent) may not request information from an applicant's previous employer or other source that the employer may not itself request of the job applicant. This includes information relating to:
 - disability;
 - illness;
 - workers' compensation history; or
 - any other question that an employer may not ask an applicant.
- A previous employer may be asked about:
 - job functions and tasks performed by the applicant;
 - the quality and quantity of work performed;
 - how job functions were performed; and
 - attendance record (but not sick days).
- If an applicant has a known disability and has indicated that he or she could perform a job with a reasonable accommodation, a previous employer may be asked about accommodations that were made for the applicant.

Senate Chief Counsel for Employment
SH-143; 4-5424

As with job interviews, an office should carefully select a limited number of persons to perform background or reference checks on behalf of the office. These persons should be carefully trained to ensure that investigations are conducted in compliance with the ADA and other anti-discrimination laws.

Pre-employment Testing

A pre-employment test that screens out or tends to screen out disabled persons is illegal unless the test is job-related and consistent with business necessity. In other words, pre-employment tests may screen out persons because they are unable to perform the functions of the job, but not because they are disabled. For this reason, all pre-employment tests must accurately measure or predict an applicant's ability to perform the functions of the job.

Example: Typing test for data entry position.

Accommodation of Disabled Persons During the Hiring Process

Applicants are required to inform employers, within a reasonable period of time, if they need a reasonable accommodation for hiring procedures (interview, written test, job demonstration, etc.). Such requests are not prohibited pre-offer inquiries regarding a disability.

To facilitate accommodation of disabled applicants, an office may find it helpful to state in an initial job notice and/or application form that applicants who need an accommodation for an interview, testing, etc., should request this in advance.

Accommodations for Interviews.

Accommodations for interviews may include:

- 1) an accessible location for persons with mobility impairments;
- 2) a sign interpreter for a hearing impaired person; or
- 3) a reader for a blind person.

Accommodations for Testing.

Pre-employment tests must accommodate an impaired skill of an applicant, unless the test is designed to measure that skill.

Senate Chief Counsel for Employment
SH-143; 4-5424

Examples: A person with dyslexia relating to reading should be given an opportunity to take a written test orally, unless the ability to read is a job-related function that the test is designed to measure.

Persons with certain disabilities, such as visual impairments, should be provided with extra time to take a test, unless speed is a job-related skill that the test is designed to measure.

Pre-Employment Medical Examinations

- Pre-employment medical examinations may be given only after a job offer has been extended to an applicant. To comply with the ADA, the examination must be required of all entering employees in the same job category and it must be related to whether the candidate can perform the functions of the job.
- All information obtained regarding the medical condition or history of an applicant must be collected and maintained on separate forms and in separate medical files and must be treated as a confidential medical record. Supervisors and managers may be informed of necessary work restrictions and accommodations on a need-to-know basis.

Post-Employment Medical Examinations or Inquiries

- Once an employee is hired, an employer cannot require a medical examination, inquire as to disability, or inquire as to the nature or severity of a disability, unless the examination or inquiry is "job related and consistent with business necessity." **As with applicants, employer may always ask employees about their ability to perform job-related functions.**

Example: An employer who suspects, because of erratic behavior, that an employee has a psychiatric disability may question the employee regarding his or her ability to perform job functions.

United States Senate

WASHINGTON, DC 20510

April 24, 1995

The Honorable Ted Stevens
Chairman
Committee on Rules and Administration
U.S. Senate
Washington, D.C. 20510

Dear Ted:

We are writing to request the Committee publish a print describing Senate disability-related policies and services for members, staff, constituents, and visitors with disabilities. There is a wide range of disability services currently provided by the Secretary of Senate, the Sergeant at Arms, the Architect of the Capitol, and the Senate Office of Fair Employment Practices, but currently there is no convenient guide to them.

We believe this print would be a valuable resource to Senate offices. This print might also include the name of a contact person on disability matters for each of these offices and each Congressional agency (i.e., GAO, OTA, and the Library of Congress).

In addition, given the recent enactment of the Congressional Accountability Act, preparation of this print would be a timely occasion to review Senate compliance with the Americans with Disabilities Act (ADA) and the Rehabilitation Act of 1973.

We appreciate your attention to our request. If you have any questions or if we can be otherwise helpful, please contact either Alexander Vachon of Senator Dole's staff (4-8959) or Ace Gallagher of Senator Daschle's staff (4-5344).

Sincerely,

TOM DASCHLE
Democratic Leader



BOB DOLE
Majority Leader

Jeri's redraft

US Senate letterhead

The Honorable Ted Stevens

The Honorable Wendell Ford

Dear Ted:

We are writing to request that the Committee on Rules and Administration publish a directory of Senate services provided in accordance with the Americans with Disabilities Act of 1990 (P.L. 101-336). This directory would be available to visitors and staff and would cover the services provided by the Secretary of the Senate, the Sergeant at Arms and the Architect of the Capitol. We envision the directory being available in both printed format for distribution to Senators' offices, the Visitors Desk in the Capitol and other suitable locations. Eventually, we hope the directory would be available in electronic format utilizing technology designed to accommodate those with disabilities.

As you may know, these offices already provide a number of services for the disabled, but there is no convenient guide to inform the disabled of their availability. Visitors and staff would find this directory a valuable resource. In addition to the description of the service and its location and hours of availability, such a directory might contain the names of the contact person on disability matters for the officers of the Senate, the Architect and each Congressional agency (i.e. GAO, OTA, CBO, GPO and the Library of Congress).

We appreciate your attention to our request to further compliance with the ADA. If our offices can be helpful in this regard, please contact either Alexander Vachon of Senator Dole's staff at 4-8959 or Aileen Gallagher of Senator Daschle's staff at 4-2321.

Sincerely,

TOM DASCHLE
Democratic Leader

BOB DOLE
Majority Leader

United States Senate
OFFICE OF THE SECRETARY

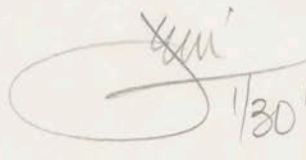
OK for sig.

Sheila -

Thanks SB

Attached is the original
ADA letter I received and
my rewrite per our
discussion Friday night.

No one has talked with
Alex re this rewrite, let
me know what changes
you want made.

 1/30/95

[U.S. Senate Letterhead]

[Date]

*1st version of
letter sent
received.*

The Honorable Wendell H. Ford
Ranking Member
Committee on Rules and Administration
U.S. Senate
Washington, D.C. 20510

Dear Wendell:

We are writing to request the Committee publish a print describing Senate disability-related policies and services for constituents, visitors, and staff with disabilities. As we envision it, this print would cover the activities of the Secretary of Senate, the Sergeant at Arms, the Architect of the Capitol, and the Senate Office of Fair Employment Practices.

As you know, there is wide diversity of disability services currently offered by these offices, but currently there is no convenient guide to them. We believe this print would be a valuable resource to Senate offices and constituents. In addition, this print might include the name of a contact person on disability matters for the Sergeant at Arms, the Secretary of the Senate, Architect of the Capitol, and each Congressional agency (i.e., GAO, OTS, and the Library of Congress).

Preparation of this print would also be a timely occasion to review Senate compliance with the Americans with Disabilities Act (ADA) and other disability laws. To our knowledge, there has never been a thorough internal "self evaluation" in this regard.

We appreciate your attention to our request. If you have any questions or if we can be otherwise helpful, please contact either Alexander Vachon of Senator Dole's staff at 4-8959 or Aileen Gallagher of Senator Daschle's staff at 4-5344.

Sincerely,

THOMAS A. DASCHLE
Minority Leader

BOB DOLE
Majority Leader

Capitol Guides

CSSO

Tour Size

- 50-55 people per tour, general public
- 4-9 people per tour, single families (disabled individual and their escorts) or small groups
 - w/c accessible routes
 - sign language interpreters for individuals who are deaf
 - FM systems for individuals who are hard of hearing
 - descriptive tours/CCTV for individuals who are blind or have low-vision
 - attention to comprehension level for individuals who are MR/DD
 - attention to comprehension/fatigue for elderly (w/c-canes)

Tour Schedules

- Congressional tours from 8-9 a.m., M-F
- Walk in tours "depart" every 5-20 minutes. Individuals can wait for a tour as long as three hours.
- Pre-scheduled tours at 8, 10 and 2, M-F
- Walk-in tours are assigned to staff with skills appropriate for the individual with a disability. Individuals can wait for a tour as long as one hour, but usually much less -- 5-10 minutes.

Tour Staffing

- Guides are assigned tours in alphabetical order.
- Assignments match the abilities of the guide with the needs of the individual with a disability.

Business Hours

- Monday - Sunday, 9-4:30
- Monday - Friday, 8-4:30 (with occasional weekend requests, about 5 per year)

Capitol Guides

CSSO

Training Offered

- Tour classes for Congressional Offices
- TDD training
 - Senate Seminar Program (monthly)
 - Individual Offices (as needed)
- Sign Language
 - 8-week class provided several times per year
 - seminars for Capitol Police
- Accessibility Seminars -- on CSSO services, appropriate social/business etiquette with an individual with disabilities
 - Capitol Police
 - Congressional Offices when requested or when hiring a new employee with a disability

Capitol Guides

CSSO

Interpreting

- N/A
- visitors, touring
- constituent meetings
- staffers, staff meetings, seminars
- Police actions (arrests, demonstrations)
- special events (Inauguration, Celebration of Citizenship, Lighting of Capitol Christmas Tree, etc.)
- Committees (interpret for witnesses appearing before a Committee, assist the Committee to contract an interpreter for the general audience)
- Assist State offices to obtain the services of contract interpreters by maintaining and updating a National Interpreters List

Capitol Guides

CSSO

Equipment/Resources

- N/A
- Wheelchairs
 - checkout procedures
 - maintenance
- CCTVs (closed caption TVS) for individuals with low vision
 - portable system for use during tours or for temporary use by Committees, Congressional Offices
- FM systems for individuals who are hard of hearing
 - portable system for use during tours or for temporary use by Committees, Congressional Offices
- Low Vision Resource Book - special photographic collection to assist individuals with low vision
- Audio Descriptive Tour for individuals who are blind or with low vision)
- Tactile Exhibit - special table exhibit in brailled and raised surfaces
- Referral Services
 - maintain/update information base on local rentals (w/c, scooters), repair services, accessible transportation (taxis, rentals)
- Assistive Devices
 - maintain expertise and information on type of accommodations available

Capitol Guides

CSSO

Special Programs/Services - TDDs

- N/A
- TDD monitoring program
 - assures Congressional Offices that their TDDs are functioning properly (a monthly check with each Office that subscribes to this service)
- TDD Relay
 - serve as a relay station (in special situations) to forward TDD messages to Congressional Offices
- TDD Referral Services
 - assist TDD callers requesting information on Congressional documents, directory assistance, accessibility information on the local area

Capitol Guides

CSSO

*Special Programs/Services - Braille
and Large Print*

- N/A
- Assist Congressional Offices (including the Senate Curator's Office, Senate Historian and Senate Sergeant at Arms) in preparation, translation and production of materials in alternative formats
 - braille
 - large print
 - audio tape
 - ASCII disk
- Develop and distribute accessibility information on the Capitol and Washington sites
- Assist Committees in preparing materials and handouts in alternative formats

Capitol Guides

CSSO

Special Programs/Services - Special Events

- N/A
- On Capitol Hill, CSSO provides support services and information for the planning and execution of special events (e.g., Inauguration, Christmas Tree Lighting, etc.)
 - wheelchair access
 - sign language interpreters
 - alternative formats
 - escorts
- For events in the home State, CSSO provides Congressional Offices with information on how to plan events and obtain necessary services

Capitol Guides

CSSO

Staff Development

- Historical/Architectural class provided during Winter months
- Special training/seminars for CSSO staff
 - disability awareness, services, management
 - perspectives on employment of individuals with disabilities
 - President's committee on employment of individuals with disabilities
 - funds provided for appropriate outside classes, for example, sign language interpreting and American history
- SAA seminars
- Outside training in sign language, assistive technologies, etc.
- Training manual developed in cooperation with the Historian's office
- Training resource book (listing of additional training resources)
- Resource manual on accessible sites in Washington area
- Annual evaluations using criteria established for CSSO staff
- CSSO library
 - History (touring)
 - Disability and Diseases
 - ADA
 - Accommodation devices and resources
 - Awareness training and etiquette

Capitol Guides

CSSO

Office Mission

- to provide guided tours of the Capitol Building to general public and Congressional staff
- to provide ACCESS to ALL aspects of Congress for visitors (tours), constituents (business) and Congressional staff who have disabilities
- Access to
 - FACILITY (specialized tours, wheelchairs, accessible routes, assistive devices)
 - DOCUMENTS (alternative formats)
 - COMMUNICATIONS (interpreters, TDDs, descriptive tours, escorts)

November 30, 1989

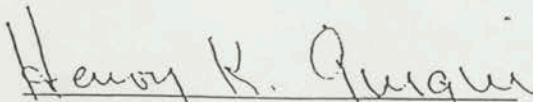
The Honorable Vic Fazio
Chairman, Subcommittee on Legislative
Committee on Appropriations
U.S. House of Representatives
Washington, D.C. 20515


Dear Mr. Chairman:

In anticipation of the enactment of the Legislative Branch Appropriations Act for Fiscal Year 1990, enclosed are our recommendations for the establishment, funding, staffing, support and administration of a Congressional Special Services Office, as required by the Act.

The support and interest you have demonstrated in expanding these services to disabled visitors and staff are much appreciated. If you have any questions, please do not hesitate to call upon us.

Sincerely,


Henry K. Guigni, Sergeant at Arms


Donald K. Anderson, Clerk of the House

HENRY KUUALOHA GIUGNI
SERGEANT AT ARMS

PHONE:
202-224-2341

United States Senate

OFFICE OF THE SERGEANT AT ARMS

ROOM S-321, THE CAPITOL BUILDING

WASHINGTON, DC 20510

November 30, 1989

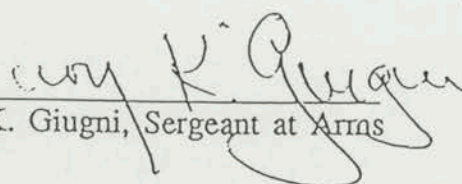
The Honorable Harry Reid
Chairman, Subcommittee on Legislative Branch
Committee on Appropriations
United States Senate
Washington, D.C. 20510


Dear Mr. Chairman:

In anticipation of the enactment of the Legislative Branch Appropriations Act for Fiscal Year 1990, enclosed are our recommendations for the establishment, funding, staffing, support and administration of a Congressional Special Services Office, as required by the Act.

The support and interest you have demonstrated in expanding these services to disabled visitors and staff are much appreciated. If you have any questions, please do not hesitate to call upon us.

Sincerely,


Henry K. Giugni, Sergeant at Arms


Donnald K. Anderson, Clerk of the House

RECOMMENDATION FOR A JOINT CONGRESSIONAL SPECIAL SERVICES OFFICE

December 1, 1989

BACKGROUND

Pursuant to the Legislative Branch Appropriations Act, P.L. 101-____, which directed the Sergeant at Arms and Doorkeeper of the Senate and the Clerk of the House to report jointly to the Appropriations Committees of both Houses, these recommendations are submitted for the establishment, funding, staffing, support and administration of a Congressional Special Services Office (CSSO).

I. SCOPE OF ACTIVITIES

The Office would serve Members of Congress, officers, and guests of the Congress, providing the following services:

A. **Guided Tours:** Provide tours of the Capitol designed for visitors with the following disabilities:

- Vision-Impaired or Blind
- Hearing-Impaired
- Wheelchair-users
- Mentally retarded

Attachment A provides information on the number of tours conducted by disability. Unless wheelchair-bound, the elderly have traditionally been referred to the standard visitor tour provided by the Capitol Guide Service. An evaluation of the feasibility of accommodating them under CSSO will be made after six months of operation.

B. **Sensory Aids:** Special informational resources for disabled visitors:

- **Accessibility Brochure:** Includes a description of CSSO, historical information on the Capitol and maps marking facilities accessible to the handicapped in the Capitol: elevators, restrooms, water fountains, telephones, ramps, etc.
- **Large Print Brochure:** Designed for low-vision visitors, the brochure is a larger print version of the Accessibility Brochure.

- **Braille Publications:** Sets of five braille-tactile maps, developed under a grant from the Department of Education, are produced on a braille printer and made available to Member offices. A nine-page braille brochure accompanies the maps, providing historical information and highlights. Other braille services include the printing of individual letters to blind constituents, newsletters and reports.
 - **Audio-Tape Tour:** Currently in development, this project will result in a walking tour of the Capitol on audio-tape to be used by the vision-impaired in conjunction with the braille maps.
 - **Low-Vision Resource Book:** Still in development, this project will contain high-contrast black and white photos of the Capitol Building for those low-vision individuals who may have difficulty seeing objects or features while standing in a large room.
- C. **Telecommunications Devices for the Deaf (TDDs):** The CSSO staff would assist in facilitating TDD use in the Congress, provide training classes for staff and act as a relay station to forward messages for offices that do not possess a TDD. There are currently about 65 TDDs in use in the Senate; eight in the House. CSSO will also provide a referral service for TDD callers wishing to obtain Congressional information, such as bill copies, TDD numbers, and directory assistance on general legislative services. There were 1,688 such calls in 1988.
- D. **Sign Language Classes:** Instruction on beginning sign language classes will be conducted for House and Senate staff by CSSO personnel at no cost. To date, nearly 200 Senate staff have completed this 8-week course.
- E. **Sign Language Interpreting Services:** Upon the request of a Member of Congress, interpreting services for the deaf would be available for meetings, interviews, etc. through the services of staff interpreters or commercial vendors. Interpreting will not be provided for Committee hearings.
- F. **Special Events:** CSSO will provide assistance to offices sponsoring special events at the Capitol that may require special assistance for the disabled; *i.e.*, wheelchair ramps, sign language interpreters or escorts. Such events may include the Presidential Inauguration, demonstrations by disabled groups, and other large public gatherings.

II. ADMINISTRATION AND OVERSIGHT

For purposes of oversight, there is established a board, to be known as the Special Service Board, consisting of the Clerk of the House of Representatives, the Sergeant at Arms and Doorkeeper of the Senate and the Librarian of Congress. The chairman of the Board will be the Clerk of the House in odd-numbered years and the Senate Sergeant at Arms in even-numbered years. CSSO's day-to-day operations will be administered under the joint direction of the Senate Sergeant at Arms and the Clerk of the House. Salaries and expenses of the Office will be disbursed by the Secretary of the Senate.

III. PERSONNEL

CSSO activities would be maintained by a staff of tour guides and interpreters. Existing staff of the Senate Special Services Office will be transferred to the new joint operation, supplemented by additional personnel to be recommended by the Clerk of the House. Temporary staffing for peak periods may be added as needed.

A. Current Senate Staff:

- Manager
- Assistant Manager
- Staff Assistant/Interpreter

B. House Recommendations:

- Deputy Manager
- Guide/Interpreter
- Tour Guide

IV. SPACE

Full operation cannot be achieved until adequate space is assigned. Because of the unique needs of the constituency served, CSSO must be located in an area of the Capitol easily found and open to the general public. Moreover, it must be accessible to visitors who are blind, in wheelchairs or have other mobility problems. Preferably, this location would also be near restrooms, elevators and telephones designed for the handicapped.

Current space is less than 100 square feet, housing three permanent staff and one full-time intern. Although conveniently situated in the Crypt on the First Floor of the Capitol near a handicapped restroom, the size is woefully inadequate for existing staff and noisy as well. It cannot accommodate additional staff. According to the Senate Rules Committee, the general rule of thumb for Committees is 140 square feet per staffer. Any expansion to current staff must consider substantial additional space, not only for personnel, but also for equipment, such as wheelchairs.

V. EQUIPMENT/FURNISHINGS

The following is a list of additional equipment and furnishings required. Existing furnishings provided by the Senate will remain with the office. Cost of providing these items will be divided equally between the Sergeant at Arms and Clerk of the House.

- Telephones and TDD lines
- TDDs for each staffer
- Computers
- Typewriters
- Desks
- Chairs
- File Cabinets
- Copy Machine
- Office Supplies
- Fax machine
- Lamps

VI. BUDGET

A total of \$237,000 has been appropriated for FY90.

A. Operating Expenses

Special Equipment for Tours

- Wheelchair (1) 500
- Audio Loops (set of 6) 3,148

Training

- Seminars, classes for CSSO staff 500
- Teaching aids (instruction books, 250
videos, easels, etc.)

Subscriptions

- Magazines, newsletters 150

Interpreting Fund

- Commercial vendors 10,412

TOTAL OPERATING EXPENSE 14,960

B. Payroll Expenses

Manager	40,000
Deputy Manager	35,000
Assistant Manager	27,000
Staff Assistant/Interpreter	27,000
Guide/Interpreter	28,000
Tour Guide	<u>25,000</u>
	182,000

Agency Contributions (22%)	40,040
----------------------------	--------

TOTAL PAYROLL EXPENSE 222,040

TOTAL BUDGET 237,000

CONGRESSIONAL SPECIAL SERVICES OFFICE

Job Description

Title: Manager

Salary Range: \$35,000-45,000

Summary: Manages all aspects of the Congressional Special Services Office, responsible for coordinating and accommodating the special needs of disabled visitors to the Capitol, including tours of the Capitol, sign language interpreting, TDD (Telecommunications Devices for the Deaf) training, wheelchair loans, parking spaces and escort services. The Office also provides disability-related information, training and services to Congressional Offices and the general public. Supervises a staff of 6.

Typical Duties:

1. Monitor and coordinate access to services and facilities for disabled visitors to the Capitol and Congressional buildings.
2. Design, schedule and conduct tours of the Capitol for disabled visitors.
3. Provide program for sign language interpreting services for Members of Congress.
4. Coordinate access to events at the Capitol for guests with disabilities.
5. Develop training (TDD, sign language, braille, etc.) for Congressional staff.
6. Develop budget and programs.
7. Provide information and referral services (TDD or voice) for resource or service-related inquiries from the general public.
8. Supervise staff of 6 or more.

Minimum Requirements:

Training and Education: Knowledge of sign language is preferred. College degree preferred.

Experience: Management and supervisory experience. Familiarity with Congress, the legislative process and disability groups preferred.

Other: Good organizational and analytical skills. Must be able to communicate effectively. Strong interpersonal skills for working closely with Senate staff and general public.

CONGRESSIONAL SPECIAL SERVICES OFFICE

Job Description

Title: Deputy Manager

Salary Range: \$30,000-40,000

Summary: Assists in developing and coordinating services provided to disabled visitors to the Capitol. These services include specially designed guided tours, sign language interpreting, wheelchair loans, temporary parking assignments, and escort services. The position also assists in the development of information for Congressional offices on facilities and services available to the handicapped. Assists in supervising a staff of 6.

Typical Duties:

1. Coordinate, schedule and conduct tours of the Capitol for disabled visitors.
2. Coordinate services for sign language interpreting services provided to Members of Congress.
3. Assist in providing access to events at the Capitol for guests with disabilities.
4. Maintain office statistics, files, supplies and correspondence, as directed.
5. Assist in the development of budget and appropriations programs.
6. Provide information and referral services (TDD or voice) for resource or service-related inquiries from the general public.
7. Coordinate the dissemination of educational brochures, maps and other information.
8. Assist in the development of classes, seminars and training materials for Members and Congressional staff. Conduct classes in sign language.
9. Generally provide assistance to the Manager.

Minimum Requirements:

Education and Training: Knowledge of sign language. College degree preferred.

Experience: Familiarity with Congress, the legislative process and disability groups. Management and/or supervisory experience helpful.

Other: Good communications and organizational skills.

CONGRESSIONAL SPECIAL SERVICES OFFICE

Job Description

Title: Assistant Manager

Salary Range: \$25,000-35,000

Summary: Provides services to blind, deaf, mentally-retarded and wheelchair-bound visitors to the Capitol.

Typical Duties:

1. Schedule and conduct tours of the Capitol for disabled visitors.
2. Assist in providing access to events at the Capitol for guests with disabilities.
3. Assist in maintaining office statistics, files and correspondence, as directed.
4. Operate the TDD message relay service as directed.
5. Provide information and referral services (TDD or voice) for resource or service-related inquiries from the general public.
6. Assist in the development and coordination of programs for Congressional staff on sign language, TDD use and deaf culture.

Minimum Requirements:

Education and Training: Knowledge of sign language. College degree preferred.

Experience: Familiarity with Congress, the legislative process and disability groups is helpful.

Other: Good communications skills. Typing.

CONGRESSIONAL SPECIAL SERVICES OFFICE

Job Description

Title: Tour Guide/Interpreter

Salary Range: \$25,000-35,000

Summary: Provides services to blind, deaf, mentally-retarded and wheelchair-bound visitors to the Capitol. These services include guided tours and sign language interpreting.

Typical Duties:

1. Schedule and conduct tours of the Capitol for disabled visitors.
2. Provide sign language interpreting services for Members of Congress, as assigned.
3. Assist in providing access to events at the Capitol for guests with disabilities.
4. Assist in maintaining office statistics, files and correspondence, as directed.
5. Operate the TDD message relay service as directed.
6. Provide information and referral services (TDD or voice) for resource or service-related inquiries from the general public.

Minimum Requirements:

Education and Training: Must be certified sign language interpreter.

Experience: 2-3 years sign language interpreting experience. Familiarity with Congress, the legislative process and disability groups is helpful.

Other: Strong, well-modulated speaking voice. General good health with excellent physical stamina and no history of chronic respiratory or ambulatory problems.

CONGRESSIONAL SPECIAL SERVICES OFFICE

Job Description

Title: Staff Assistant/Interpreter

Salary Range: \$25,000-35,000

Summary: Provides sign language interpreting to hearing-impaired CSSO staff. Provides sign language interpreting to Congressional offices, as assigned. Conducts tours of the Capitol and generally assists in providing services to disabled visitors.

Typical Duties:

1. Provide sign language interpreting to hearing-impaired CSSO staff.
2. Provide sign language interpreting to Congressional offices.
3. Coordinate, schedule and conduct tours of the Capitol for disabled visitors.
4. Assist in providing access to events at the Capitol for guests with disabilities.
5. Provide clerical support. Maintain office statistics, files, supplies and correspondence, as directed.
6. Provide information and referral services (TDD or voice) for resource or service-related inquiries from the general public.
7. Other duties, as assigned.

Minimum Requirements:

Education and Training: Knowledge of sign language is essential; certificate preferred.

Experience: 1-2 years sign language interpreting. Familiarity with Congress, the legislative process and disability groups is helpful.

Other: Strong, well-modulated speaking voice. Typing (40 wpm).

CONGRESSIONAL SPECIAL SERVICES OFFICE

Job Description

Title: Tour Guide

Salary Range: \$20,000-30,000

Summary: Primary responsibility is to schedule and conduct tours of the Capitol for visitors with disabilities. These tours may be arranged in advance or on a walk-in basis.

Typical Duties:

1. Schedule and conduct tours of the Capitol for disabled visitors.
2. Assist in providing access to events at the Capitol for guests with disabilities.
3. Research and maintain current accessibility information on events, facilities and services in the Washington, D.C. area for visitors with disabilities.
4. Operate the TDD message relay service as directed.
5. Provide information and referral services (TDD or voice) for resource or service-related inquiries from the general public.
6. Perform general office functions as directed.

Minimum Requirements:

Education and Training: College degree preferred. Knowledge of or willingness to learn sign language.

Experience: Familiarity with Congress, the legislative process and disability groups is helpful.

Other: Strong, well-modulated speaking voice. General good health with excellent physical stamina and no history of chronic respiratory or ambulatory problems.

ATTACHMENT B
Interpreting Service Guidelines

CONGRESSIONAL SPECIAL SERVICES OFFICE GUIDELINES FOR INTERPRETING SERVICES

1. Only written requests from Members will be honored. A form is available from the Special Services Office (SSO) for this purpose.
2. Interpreting services will be supplied for Congressional business only (*e.g.*: staff meetings, visits with constituents, press conferences and similar special events, and instructional classes). Interpreters will not be provided for committee hearings.
3. Because sign language interpreting can be a strenuous and stressful activity, requests should span a period of time that is no more than one hour in duration. Requests covering more than a one-hour period should be submitted a minimum of seven working days in advance in order to arrange for a sufficient number of relief interpreters.
4. Requests should be submitted as early as possible. A minimum of two business days notice is required for most requests. In emergencies when less than the required advance notice is provided, efforts will be made to accommodate requests, but they cannot be guaranteed.
5. If multiple requests for the same time slot cannot be accommodated, the first-come-first-served rule will apply.
6. Interpreters will be assigned first from the SSO staff. If a staff interpreter is not available, SSO will contract with a commercial vendor for interpreting services.
7. This service is available from 8 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. at locations within the Capitol complex.
8. Cancellations should be made as soon as possible as a courtesy to other offices. Commercial vendors require two-and-a-half business days notice for cancellations. Any fees assessed for this purpose will be charged to the requesting office.

12/1/89

CONGRESSIONAL SPECIAL SERVICES OFFICE
SIGN LANGUAGE INTERPRETING
Request for Services

Office _____

Contact _____ Phone _____

Date Submitted _____

INTERPRETING SERVICE REQUIRED

Date _____ Location _____

Time: From _____ To _____

Description of Activity _____

Authorized by:

Member of Congress

-----For Special Services Office Use Only-----

Assigned _____

Senate _____

House _____

Confirmed _____

Cancelled _____

Staff _____

Vendor _____

HENRY KUUALOHA GIUGNI
SERGEANT AT ARMS

PHONE
202-224-2341

United States Senate

OFFICE OF THE SERGEANT AT ARMS

ROOM S-321, THE CAPITOL BUILDING

WASHINGTON, DC 20510

November 30, 1989

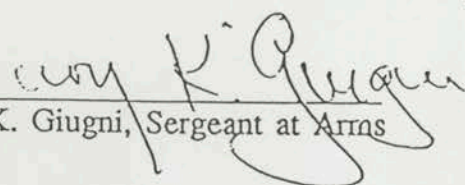
The Honorable Harry Reid
Chairman, Subcommittee on Legislative Branch
Committee on Appropriations
United States Senate
Washington, D.C. 20510


Dear Mr. Chairman:

In anticipation of the enactment of the Legislative Branch Appropriations Act for Fiscal Year 1990, enclosed are our recommendations for the establishment, funding, staffing, support and administration of a Congressional Special Services Office, as required by the Act.

The support and interest you have demonstrated in expanding these services to disabled visitors and staff are much appreciated. If you have any questions, please do not hesitate to call upon us.

Sincerely,


Henry K. Giugni, Sergeant at Arms


Donald K. Anderson, Clerk of the House



SEMINAR

Sergeant at Arms / Secretary of the Senate

AMERICANS WITH DISABILITIES ACT GUIDELINES FOR REASONABLE ACCOMMODATIONS

The Senate Seminar Program will be sponsoring a custom tailored seminar entitled "Guidelines for Reasonable Accommodations." The Americans with Disabilities Act (ADA) prohibits employers from discriminating against a "qualified individual with a disability" with respect to job application procedures, hiring, advancement, discharge, compensation, training and other terms, conditions, and privileges of employment.

It is the responsibility of each Senate and Committee office to determine how it will comply with ADA. The following are topics to be discuss:

- o Rights of Senate employees, including disabled employees, to be free from employment discrimination;
- o What managers can do to ensure that disabled applicants and employees are not discriminated against;
- o Reasonable accommodations - personal/professional viewpoints; and
- o Overview of Congressional Special Services, including issues of public access of disabled personal to facilities on Capitol Hill and the Washington, D.C. area.

Wednesday, May 17, 1995

9:30 - 11:30 a.m.

SH-708

TO ATTEND: Please call the Senate Seminar Program at Ext. 4-5347 or (TDD) 4-4215.

This notice is printed on recycled paper and is recyclable using colored paper bins.

United States Senate

WASHINGTON, DC 20510

April 19, 1995

Dear Chiefs of Staff, Administrative Assistants, and Staff Directors:

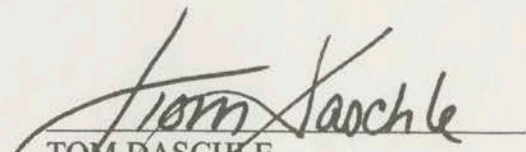
The Senate Seminar Program will be sponsoring a seminar for Senate offices that will provide an overview of their duties and obligations under the Americans with Disabilities Act (ADA). The seminar will be held on Monday, May 1, 1995, from 9:30 a.m. to 11:00 a.m. in Room SD-562 and will be presented by attorneys from the Office of Senate Chief Counsel for Employment. The seminar will cover several important topics, including:

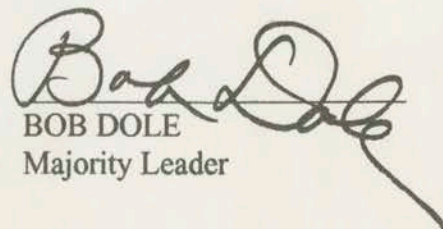
- What are a manager's legal obligations to accommodate the disabled;
- What are a manager's legal obligations when it becomes necessary to discipline a disabled employee for poor job performance;
- How to draft job descriptions that facilitate compliance with the ADA;
- How to coordinate ADA and FMLA policies in accordance with the law; and
- How the Congressional Accountability Act will affect Senate offices' ADA obligations.

It is imperative that Senate offices be fully aware of their duties and obligations under the ADA. Therefore, we strongly encourage you or another representative from your office to attend this seminar. Please R.S.V.P. by contacting the Senate Seminar Program at Ext. 4-5347.

The Senate Seminar Program, in conjunction with the Office of Senate Chief Counsel for Employment, will sponsor additional seminars in the coming months that will focus on management's legal obligations under other federal employment laws.

Sincerely,


TOM DASCHLE
Minority Leader


BOB DOLE
Majority Leader

United States Senate

WASHINGTON, DC 20510

April 28, 1995

The Honorable Chet Larson
President
National Association of Towns and Townships
1522 K Street, N.W., Suite 1010
Washington, D.C. 20005

Dear Mr. Larson:

As the principal co-sponsors of the Americans with Disabilities Act (ADA), we are writing to bring to your attention two letters we recently sent to the U.S. Department of Justice regarding ADA, and to report to you interest by the Justice Department in improving technical assistance to your members.

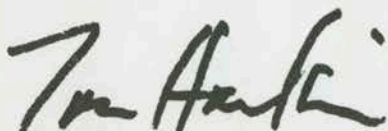
As you might expect, we are big supporters of ADA, and worked hard to craft legislation that was fair and balanced--and with safeguards for costs to local governments. In this regard, we have heard that curb cuts are a unique, significant capital expense for many communities. Thus, in one of the enclosed letters, we have asked the Justice to extend the time period for their installation--up to 10 years in some cases.

In the second letter, we have asked Justice to simplify the process for approving local building codes as meeting minimum ADA standards--for jurisdictions that wish to have their building codes so certified.

In discussions with Justice officials, they indicated a keen interest in improving technical assistance to your members, including definitive, timely answers about ADA requirements. In particular, we have heard that some communities are stymied by long delays in getting responses and a lack of practical advice about what the law requires. We understand that Justice will be inviting National Association of Towns staff to meet with them to discuss this matter, and we hope they will participate.

If we can be helpful in any other way, please let us know.

Sincerely yours,



TOM HARKIN



BOB DOLE

The Honorable Chet Larson
April 28, 1995
Page 2


EDWARD M. KENNEDY


ORRIN G. HATCH


JOHN MCCAIN

United States Senate

WASHINGTON, DC 20510

March 24, 1995

The Honorable Janet F. Reno
Attorney General
U.S. Department of Justice
Washington, D.C. 20530

Dear Madam Attorney General:

As the principal Senate co-sponsors of the Americans with Disabilities Act ("ADA"), we are writing to request the U.S. Department of Justice extend the time period for installation of curb ramps by public entities under 28 C.F.R. 35.150. We are, of course, strong supporters of ADA and its fundamental principle that access is opportunity for people with disabilities. At the same time, it was our intent to carefully craft ADA to include fair and balanced provisions and specific safeguards for state and local governments regarding costs.

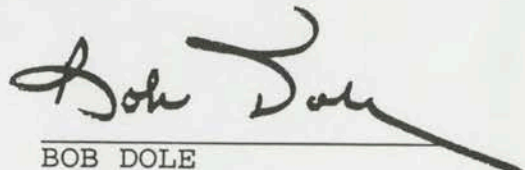
In this regard, we have heard that curb cuts are a unique, significant capital expense, and believe that our intent would be more properly fulfilled over a longer time period.

Currently, we understand that public entities were required to have completed all necessary curb cuts by January 26, 1995 ("effective date"). We believe there should be separate time periods for at least two classes or tiers of curb cuts, provided public entities have a written transition plan with specific dates for completing all curbs cuts within the extended time period. Tier I curb cuts are ones that serve state and local government offices, transportation, places of public accommodation, other places of employment, other heavily traveled routes, and private homes of persons with disabilities, and should be completed within 5 years of the effective date. Tier II cuts serve residential and other non-commercial areas where pedestrian walkways exist, and a public entity should be given 10 years from the effective date to install necessary curb ramps.


We urge you to consider adopting this policy change as soon as possible, consistent with all laws and ethical guidelines.

Sincerely yours,


TOM HARKIN


BOB DOLE

The Honorable Janet F. Reno
March 24, 1995
Page 2


EDWARD M. KENNEDY


ORRIN G. HATCH


JOHN MCCAIN

United States Senate

WASHINGTON, DC 20510

March 24, 1995

The Honorable Janet F. Reno
Attorney General
U.S. Department of Justice
Constitution Avenue & 10 Street, N.W.
Washington, D.C. 20530

Dear Madam Attorney General:

As the principal Senate co-sponsors of the Americans with Disabilities Act ("ADA"), we are writing to recommend a procedure to simplify the process by which state and local building codes are certified as complying with ADA. We believe the procedure proposed below would ease the regulatory burden on the Justice Department and on state and local governments, and better serve the needs of people with disabilities by improving accessibility without resort to enforcement through complaints.

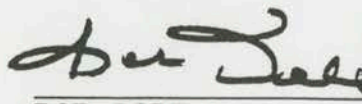
Currently, under Title III of ADA, the Justice Department can issue a "certificate of equivalency" that a state or local building code meets the requirements of ADA. However, Justice apparently will not certify--although it will informally review--any of the three model codes upon which virtually every state and local building code is based. Those model codes are prepared by Building Officials & Code Administrators, the International Conference of Building Officials, and the Southern Building Code Congress.

We believe the task of certifying even a fraction of the 15,000 state and local building codes would be a huge undertaking for the Justice Department. Therefore, we recommend that Justice first certify or otherwise approve the model codes, and devise an expedited procedure to certify state or local codes that use an approved model code.

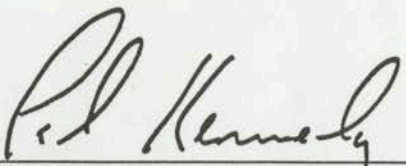
We urge you to adopt this policy change as soon as possible, consistent with all laws and ethical guidelines.

Sincerely yours,


TOM HARKIN


BOB DOLE

The Honorable Janet F. Reno
March 24, 1995
Page 2


EDWARD M. KENNEDY


ORRIN G. HATCH


JOHN MCCAIN

Representative to enable a specific witness to communicate with committee members, and only during the witness's testimony. Interpretation of committee meetings for audience members who are deaf or hard of hearing should be arranged for and paid by the committee.

■ Sign language interpretation can be provided for official activities, including staff meetings, visits with constituents, press conferences, and work-related instructional classes (such as computer training). Interpretation by the CSSO staff is available only within the Capitol Hill complex.

■ If you need an interpreter off Capitol Hill, the Congressional Special Services Office can offer assistance in locating one. The Special Services Office maintains a list of interpreter referral agencies nationwide and a listing of individual interpreters who are certified by the National Registry of Interpreters for the Deaf.

■ A Senator's or Representative's office may make arrangements with a commercial vendor for interpretation for an official function in the home State or outside the jurisdiction of the CSSO. This can be paid for with official funds.

Sign Language Classes

Basic sign language classes are offered for Congressional employees by staff of the Special Services Office when scheduling permits. For more information and registration forms, call the CSSO.

FM Systems

This is a wireless transmitting system that increases sound. For those who wear hearing aids, a special audio loop is used to amplify sound through a "T" frequency switch on the hearing aid. A headset is used by those who do

not wear a hearing aid. The FM system can be used for guided tours and in certain galleries and hearing rooms. This system can be of benefit both in one-on-one situations and in meetings of any size.

Congressional Offices may obtain FM equipment for short term use by contacting the CSSO.

Special Events

On Capitol Hill

CSSO provides support services and information to Congressional Offices for official business at the Capitol which may require special assistance for participants with disabilities, (i.e., wheelchair access information, sign language interpreters or escorts).

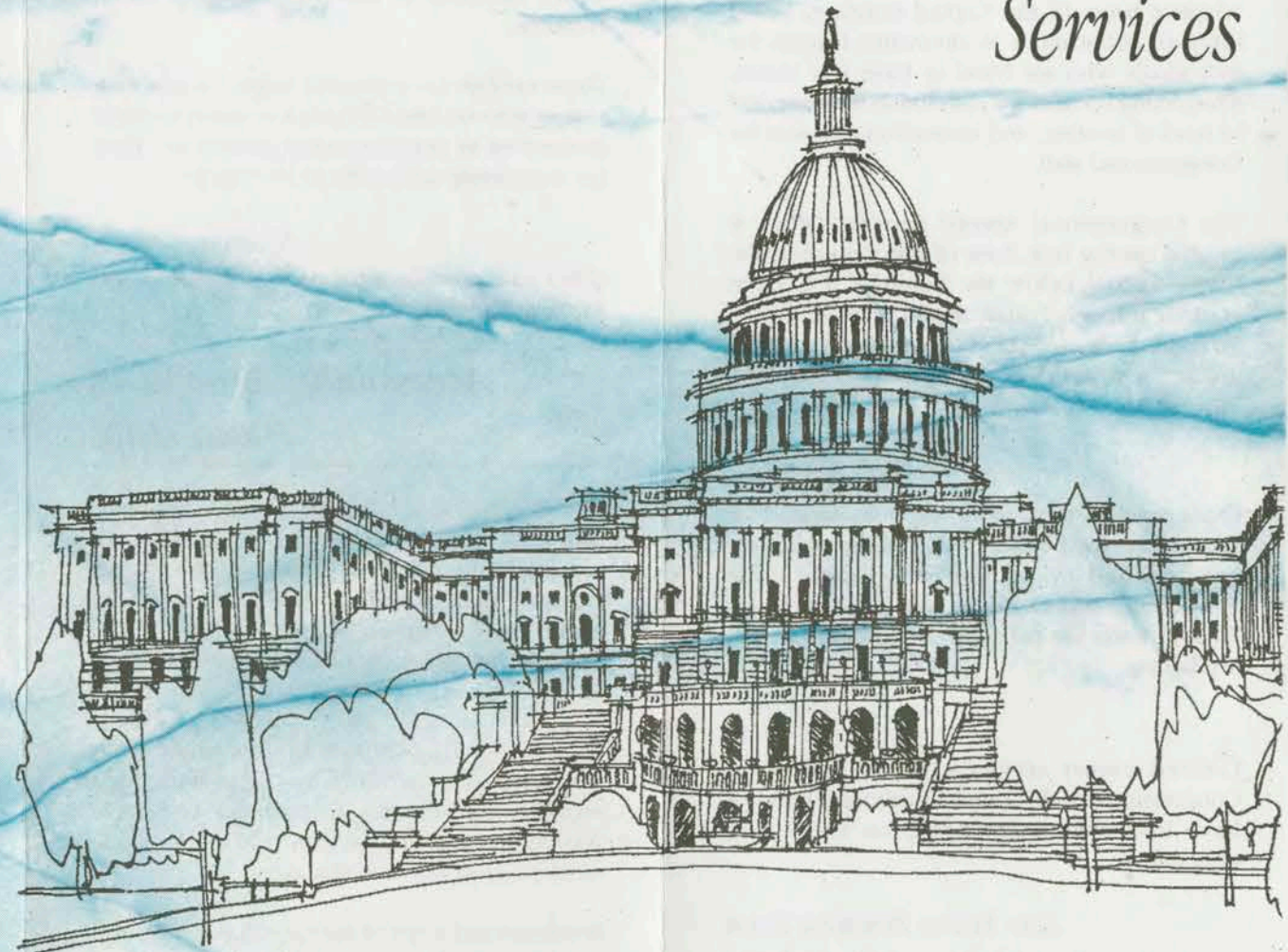
In the Home State

The CSSO can provide accessibility information to Senators' and Representatives' Offices who are planning events in the home State. This may include the following:

- Interpreters (see Interpreter Services), assistive listening devices and captioning for individuals who are deaf or hard of hearing.
- How to provide information in alternate formats (braille, large print) for individuals who are blind or have low vision. (The preferred point size for large print is 18 pt.)
- How to provide seating to accommodate visitors or participants using wheelchairs or other mobility aids.

The individual with the disability is the person who can best inform you of his or her needs. The Congressional Special Services Office is available to provide information and support services to Senate and House offices in meeting those needs.

Congressional Special Services



Congressional Special Services Office



The Congressional Special Services Office (CSSO) is a joint office under the jurisdiction of the Special Services Board, composed of the Senate Sergeant at Arms, the Clerk of the House, and the Librarian of Congress. CSSO offers a variety of services to assist staff, constituents and visitors who have disabilities. Services include adaptive tours of the Capitol building, escort services, publications in alternative formats for individuals who are blind or have low vision, interpreting services for individuals who are deaf or hard of hearing, and instructional classes for Congressional staff.

The Congressional Special Services Office is located on the first floor of the Capitol in the Crypt, directly below the Rotunda. It is open Monday through Friday, 8:00 a.m. to 4:30 p.m. To request assistance or obtain more information, call Ext. 4-4048 (V) or 4-4049 (TDD/TTY).

Guided Tours

CSSO provides tours of the Capitol designed for visitors with disabilities. Tours last approximately one hour and are adapted to the needs of the individual. Tours can be scheduled in advance. Walk-in tours are provided depending on staff availability.

Escort Services

Limited escort services are provided for Congressional staff or visitors who are blind or have low vision, depending on CSSO staff availability.

Low Vision Resource Book

A collection of special photographs of selected areas of the Capitol Building is available to aid

individuals who have low vision or who cannot participate in a tour. A copy of this book is kept at the Special Services Office in the Crypt and at the Capitol Guide Service desk in the Great Rotunda in the Capitol Building.

Tactile Exhibit

A three-table Tactile Braille Exhibit of the Mall and Monument areas in Washington is displayed in the Crypt of the Capitol Building, just outside the CSSO. Additional Tactile Exhibits are located in the Hart Office Building, on the first floor outside the Disbursing Office, and in the Rayburn Office Building at the South Capitol Street entrance.

These exhibits are especially helpful in enabling visitors who are blind or have low vision to orient themselves to popular tourist attractions. They are completely accessible to all visitors.

Assistive Devices

CSSO can provide additional Information on Assistive Devices.

Accessibility Brochures and Maps

The *Congressional Special Services* brochure provides information on CSSO touring services, historical information, and maps of the Capitol Building that indicate facilities accessible to visitors with disabilities, such as elevators, restrooms, water fountains, telephones, ramps, etc.

Washington Highlights: Tour Information for Visitors with Disabilities is a brochure that provides information on parking, accessible Washington area tourist sites, TDD/TTY phone numbers, and assistive services.

Brochures and maps of the Capitol Building, Mall and monuments are available in large-print and braille for visitors who are blind or have low vision.

The Congressional Special Services brochure and the Washington Highlights: Tour Information for Visitors With Disabilities brochure are also available in ASCII disc format and audio tape upon request from the CSSO, Ext. 4-4048.

In cooperation with the CSSO, the Senate Service Department and the House Printing Services also distribute the brochures and maps listed above in braille and large print. To order copies of the above brochures and maps please call the Special Services Office.

Telecommunications Devices for the Deaf

TDD/TTY Seminars

CSSO provides seminars on TDD/TTY operation and etiquette for Congressional office staff. Call Ext. 4-4048 to register for a class.

Relay Services

The CSSO and the Congressional Switchboard assist in facilitating TDD/TTY use for Congress and can also serve as a relay station (in special situations) to forward messages to Senators and Representatives who do not have a TDD/TTY in their offices.

Congressional
Switchboard 202-224-3091 (TDD/TTY)

House Relay 202-225-1904 (TDD/TTY)
(messages only)

Referral Services

The CSSO also provides referral services for TDD/TTY callers requesting information, such as TDD/TTY Congressional Directory assistance, document copies, and general accessibility for visitors to Washington.

TDD/TTY Monitoring Program

CSSO continues to implement a voluntary TDD/TTY monitoring program intended to help assure Congressional Offices that their TDDs/TTYs are functioning properly.

Under the program, participating offices receive a TDD/TTY call from CSSO each month. The calls are made during business hours, generally between 9:00 am and 4:00 pm. Proper operation of the TDD/TTY is verified by either communicating directly with a staffer in the Member's office or by receiving a return TDD/TTY or voice call from the office after CSSO leaves a message on their TDD/TTY.

If the Member's office fails to return CSSO's TDD/TTY call or if CSSO cannot connect to the Member's TDD/TTY, CSSO staff will provide referrals to Telecommunications staff to correct mechanical problems or provide additional training for office staff, as needed.

Interpreter Services

Individuals who are deaf or hard of hearing prefer different forms of sign language interpreting (American Sign Language, Signed English, Cued Speech, or Oral Interpreting). The CSSO can assist in locating these services.

For individuals who would benefit from sign language interpretation, the CSSO has certified interpreters available within the following guidelines:

- Depending on staff availability, sign language interpretation is provided in response to requests from Members only. Guidelines and Request Forms are available from the CSSO. To ensure that an interpreter is available, requests should be submitted to CSSO as far in advance as possible.
- Interpreters are not provided for committee meetings, unless requested by a Senator or



Washington, DC 20515

May 4, 1995

The Honorable Ted Stevens
Chairman
Committee on Rules and Administration
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman: *Ted*

I am transmitting herewith for your approval Drawing No. C-969 describing our proposal for a permanent ramp into the Old Senate Chamber in the Capitol.

This new ramp will replace the temporary ramp currently being used and will allow full access to the Chamber, in compliance with the Americans with Disabilities Act. As you may be aware, Senator Dole has expressed an interest in making this modification to the entrance of the Old Senate Chamber. The estimated cost of this work is \$2,850, which is below the threshold of \$5,000 which requires your approval. However, since the permanent ramp constitutes a change in the architectural features of the Capitol, I recommend your concurrence to proceed with the project. Funds are available to complete the new installation.

I shall, of course, be pleased to furnish any additional information you may deem desirable.

Cordially,

George M. White
George M. White, FAIA
Architect of the Capitol

Enclosure

The Honorable Ted Stevens
Chairman
Committee on Rules and Administration
Page Two

Approved:

Ted Stevens
Chairman

Date

cc: The Honorable Robert Dole
Majority Leader

BOB DOLE, KANSAS, CHAIRMAN
THOMAS A. DASCHLE, SOUTH DAKOTA, VICE CHAIRMAN
STROM THURMOND, SOUTH CAROLINA WENDELL H. FORD, KENTUCKY
TED STEVENS, ALASKA
SHEILA P. BURKE, EXECUTIVE SECRETARY
JAMES R. KETCHUM, CURATOR

United States Senate

COMMISSION ON ART

SUITE S-411, THE CAPITOL
WASHINGTON, DC 20510-7102

June 6, 1995

MEMORANDUM

TO: Diane Skvarla, Alexander Vashon
FROM: Scott Strong, Richard Doerner
RE: Disability ramp for Old Senate Chamber

On Monday, June 5, Rich Doerner and I met with Sharon Park from the National Park Service's Preservation Assistance Division. We discussed with her our initial concerns about the Architect's proposed ramp plan. She was very helpful in pointing out some aspects of the current plan that fall short of existing safety standards, and in suggesting ways for us to more effectively preserve the room's historical integrity. The current plan calls for a ramp that begins at the entrance door and extends to the end of the public access area. This plan raises several concerns:

- 1) **Vault of Old Supreme Court** - Perhaps the most pressing concern is that the vault of the Old Supreme Court Chamber, the top of which lies under the current floor, may limit our options for ramp placement and angle of incline.
 - We need an elevation of the chamber showing the Old Supreme Court vault in order to proceed with planning
- 2) **Safety Concerns** - In order to account for the steps ascending to the diplomatic gallery on the right and left inside the entrance, the current plan uses additional ramps that enter the main ramp from either side. This will create a confusing situation in the entryway, with multiple inclines at various angles and orientations. Sharon pointed out that this area would pose a significant safety hazard to visitors, since they would be stepping from a step or flat area to an incline of one angle, and from that incline to another at a different angle and orientation.

- This problem can be solved by using the original ramp plan of 1989, which uses a 1:10 incline ramp beginning at the center stairs, and extending to the end of the public access area. Sharon noted that a 1:10 ramp is acceptable under the Uniform Federal Accessibility Standards for historic sites. Although UFAS will be superseded by the ADA (requiring a 1:12 incline), Sharon felt strongly that the safety concerns regarding the entrance area far outweighed the need for a 1:12 ramp, and that historic sites are permitted some leeway in any case.

3) **Railings, Stanchions -**

First, both UFAS and ADA require that railings extend 1' beyond the sloped area, or at least that the entire sloped area be provided with railings. In the existing plan, railings do not begin until the visitor reaches the diplomatic gallery partition, some 6' after the ramp begins. The 1989 plan at least allows for railings to begin where the ramp does.

Second, the upper return of the railing (extending along the risers) intrudes on the historic integrity of the room. Historic preservation standards dictate that accessibility modifications not intrude on the exhibit area. The proposed railing return, which is permanently attached to the risers in the seating area, is not historically accurate.

- We can continue to use removable stanchions on the riser as we do now.
- Sharon strongly recommended that the handrails be returned smoothly to the walls or floor, rather than ending abruptly at the end of the ramp.
- It is important to have the baseplates for the central stanchions flush with the floor to allow for wheelchair clearance. Also, these stanchions should be removable.
- If possible, the railings should be removable since they would be dangerously low (2'10") when the chamber is used for events.

4) **Turnaround -** The 1989 plan also provides for an approximately 3' semi-circular turnaround area which the current plan does not address. The semi-circular area intrudes less into the sensitive floor area of the chamber than does the AOC's vaguely mentioned "5 foot" turnaround area in the current plan. Sharon felt that the 3' area would be adequate.

- Use 3' turnaround per 1989 plan.

ISSUES RE: OLD SENATE CHAMBER ACCESSIBILITY RAMP

- o Obtain elevation drawing showing vault of Old Supreme Court and its effects on a proposed ramp.
- o Ensure that an accurate measurement of elevation between entryway floor and chamber floor has been taken. (1989 plan shows 20", 1995 plan shows 18")
- o Revert to 1989 ramp plan, which uses a 15' ramp extending from beginning of central stairs to end of public access area.
- o Eliminate upper return of proposed railing.
- o Return railings to diplomatic gallery wall.
- o Address issue of removable railings.
- o Develop more detailed plan on central stanchions (removable, flush-to-floor baseplates)
- o Use 1989 semi-circular turnaround area per 1989 plan.
 - Develop plan for floor covering in turnaround area that will provide adequate durability, safety, and aesthetics.
 - Commission on Art to approve turnaround area covering.
- o Commission on Art to approve ramp covering (maintaining ADA standards).
- o Commission on Art to approve/supervise work schedule and security/conservation measures.
 - Work must be done during recess, at low visitation times
 - Furnishings, artwork need to be removed or covered