
ATTACHMENT 3**Non-Structural Changes Inventory
(No later than January 26, 1992)**

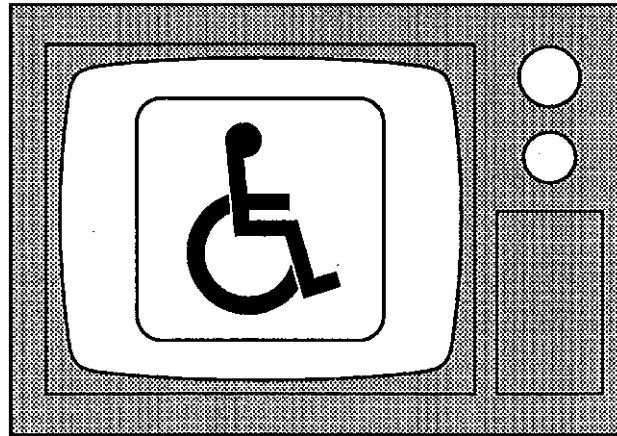
Service/ Activity /Function	Change	Date to be Completed
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
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15.		
16.		
17.		
18.		
19.		
20.		

Supplemental Structural Change Information

In your evaluation of structural changes, you may want to be aware of some of the following items:

1. Tennessee law requires that a city must install ramps at crosswalks, in business and residential areas, when streets, sidewalks, and/or curbs/gutters are being constructed or improved (*Tennessee Code Annotated* § 7-31-114).
2. New public buildings, including those constructed by local governments, must comply with certain handicapped access construction requirements as set forth in Tennessee law (*T.C.A.* § 68-18-203—68-18-205).
3. A sidewalk maintenance program is of vital importance to ensure surfaces are usable by wheelchair-bound citizens. Many local governments neglect maintenance of sidewalks, not only rendering them unusable by disabled residents, but also creating an unnecessary liability.
4. Local governments operating “Walk/Don’t Walk” signals at pedestrian sidewalks should consider the use of audible signals for blind individuals.
5. Some local governments provide on-street handicapped parking spaces.

A LOOK AT THE
AMERICANS WITH
DISABILITIES
ACT



**A Guide to Compliance
for Tennessee Local Governments**

Third Edition - July 1992

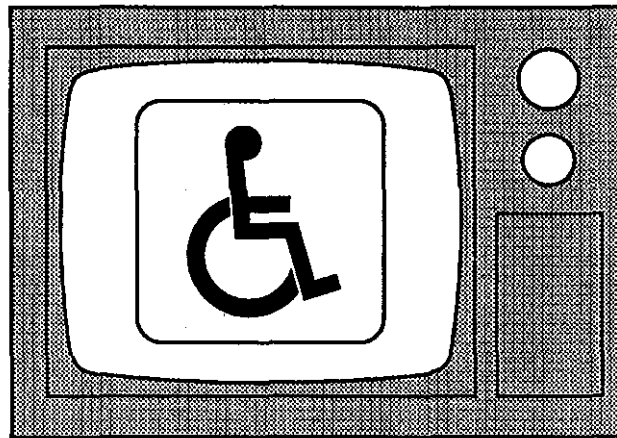
Disabled - Laws and Regulations



The University of Tennessee
Institute for Public Service

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County Technical Assistance Service

A LOOK AT THE **A**MERICANS WITH **D**ISABILITIES **A**CT



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INTRODUCTION



Every man, woman, and child with a disability now can pass through once-closed doors into a bright new era of equality, independence, and freedom.

— President George Bush



On July 26, 1990, President George Bush signed into law Public Law 101-336 — the Americans with Disabilities Act (ADA). While the ADA uses the word “Americans,” it protects persons regardless of citizenship or nationality [56 Fed. Reg. 35740]. The act prohibits discrimination against the disabled in employment and mandates their full participation in both publicly and privately offered services and activities. Local governments must be familiar with the ADA. All government services and activities — education, highways and roads, law enforcement, parks, courts, personnel, voting, tax paying, deed recording, motor vehicle registration, public meetings, and public transportation — are covered by the ADA.

The ADA is modeled after Title VII of the Civil Rights Act [42 U.S.C. § 2000d to 2000(a)(4)(a)] and Section 504 of the Rehabilitation Act [29 U.S.C. 701-796]. Title VII prohibits discrimination on the basis of race, color, sex, religion, and national origin in employment, public accommodations, and any state and local government services. Section 504 prohibits discrimination against the disabled by the recipients of federal funds.

Many of you will be familiar with the language of the ADA because similar requirements were imposed upon participants in the federal general revenue sharing program. In fact, to the extent a local government has complied with Section 504, no additional obligations are imposed by the ADA on those particular services or activities. The use of the word “disability” instead of “handicap” (used in the Rehabilitation Act) reflects use of today’s accepted terminology. Substantively, these terms are equivalent [54 Fed. Reg. 35740].

This publication covers many of the significant local government provisions of the ADA and the implementing regulations issued on July 26, 1991. While the federal government is required to publish compliance manuals in January of 1992, local governments must be in compliance with the ADA by that same date. This publication will familiarize you with most of the local government provisions so that you may begin your compliance efforts. You can expect additional information from the Equal Employment Opportunity Commission (EEOC) before January 26, 1992 [56 Fed. Reg. 37726].

The citations throughout the text are to the Federal Register, to the page where the regulations were published on July 26, 1991. When these regulations are codified, they will be as follows:

- 29 C.F.R. Part 1630 Equal Employment Opportunity for Individuals with Disabilities;
- 29 C.F.R. Parts 1602 and 1627 Recordkeeping and Reporting Under Title VII of the Civil Rights Act of 1964 and the Americans With Disabilities Act;
- 28 C.F.R. Part 35 Nondiscrimination on the Basis of Disability in State and Local Government Services;
- 49 C.F.R. Part 37 (Transportation for Individuals with Disabilities).

The ADA isn't intended to supplant state statutes that prohibit discrimination against the disabled. The ADA simply provides additional protection against discrimination [56 Fed. Reg. 35734]. For example, with regard to employment, the language of Tennessee Code Annotated § 8-50-103 is much different from the ADA. The Tennessee law provides:

There shall be no discrimination in the hiring, firing and other terms and conditions of employment of the state of Tennessee or any...political subdivision of the state,...against any applicant for employment based solely upon any physical, mental or visual handicap of the applicant, unless such handicap to some degree prevents the applicant from performing the duties required by the employment sought or impairs the performance of the work involved. Furthermore, no blind person shall be discriminated against in any such employment practices because such person uses a guide dog. A violation of this provision is a Class C misdemeanor.

Under Tennessee law, a person may file a written sworn complaint with the Tennessee Human Rights Commission. The commission then follows procedures outlined in T.C.A. §§ 4-21-302 to 4-21-311. A noncomprehensive list of other state law provisions includes: T.C.A. §§ 24-1-103; 55-8-179; 55-8-180; 62-7-112; 67-4-712; and 71-4-705.

The ADA has five titles, but only Titles I and II apply to local governments. Title I prohibits employment discrimination and includes local governments in the definition of "employer." Title II prohibits discrimination in the way local governments provide or offer services, programs, or activities, including public transportation and facilities.

TITLE I - EMPLOYMENT

Title I prohibits employers from discriminating against a "qualified individual with a disability." It covers job applications, hiring, advancement, discharge, compensation, training, and any other employment term, condition, or privilege. Local governments will need to make "reasonable accommodations" to the known physical or mental limitations of an otherwise qualified individual unless to do so would result in an "undue hardship" [56 Fed. Reg. 35736].

A local government may not exclude persons from job opportunities unless they are actually unable to do the job — with or without a reasonable accommodation. Misconceptions, fears, and stereotypes about increased costs and decreased productivity associated with hiring the disabled can no longer support discriminatory employment policies and practices. You can't prefer or select a qualified person without a disability over an equally qualified disabled person merely because the disabled person will require a reasonable accommodation [56 Fed. Reg. 35749].

A local government may not exclude persons from job opportunities unless they are actually unable to do the job — with or without a reasonable accommodation.

WHO'S PROTECTED UNDER TITLE I?

- Qualified persons with a disability.
- Persons who have a known association with a disabled person.
- Persons who aid or encourage others to exercise any right granted or protected under the ADA.

WHAT DOES THE ADA REQUIRE?

 Employers may not discriminate with regard to employment terms, conditions, or privileges.

Examples:

Recruitment, advertising, job application procedures, testings, hiring, upgrading, promotion, award of tenure, demotion, transfer, layoff, termination, right of return from layoff, rehiring, pay rates or any other form of compensation and changes in compensation, job assignments, job classifications, organizational structure, position descriptions, lines of progression, seniority lists, leaves, fringe benefits whether or not administered by the employer, selection and financial support for training (professional meetings, and conferences), selection for leaves of absence to pursue training, and activities sponsored by the employer including social and recreational programs [56 Fed. Reg. 35736].



TITLE I - EMPLOYMENT

You must select and administer a test to a disabled job applicant or employee in a manner that ensures the test results accurately reflect the skills, aptitude, or other factors the test purports to measure, rather than reflecting the impairment of the applicant or employee.

Further, you can't segregate qualified disabled employees into separate work areas or separate lines of advancement [56 Fed. Reg. 35746].

 Any qualification standard, employment test, or other criteria that screens out or tends to screen out a disabled person (or a class of such persons) on the basis of disability is prohibited — unless shown to be job-related and consistent with business necessity. An employer may require, as a qualification standard, that persons not pose a direct threat to their health and safety or that of others [56 Fed. Reg. 35737].

“Qualification standards” are personal and professional attributes — the skill, experience, education, physical, medical, and safety requirements and others established by an employer for an individual to be eligible for a position [56 Fed. Reg. 35736].

You must select and administer any test to a disabled job applicant or employee in a manner that ensures the test results accurately reflect the skills, aptitude, or other factors the test purports to measure, rather than reflecting the impairment of the applicant or employee [56 Fed. Reg. 35737]. See pages 19-21 for further discussion.

 Employers may not discriminate against a qualified individual because the person has a family, business, social, or other relationship with a disabled person, but they don't have to accommodate these non-disabled persons [56 Fed. Reg. 35737].

Examples:

Volunteers at an AIDS hospice, the spouse of a cancer patient.



 Local governments must make a reasonable accommodation to the known physical or mental limitations of an otherwise qualified applicant or employee with a disability, unless it would impose an undue hardship on government operations [56 Fed. Reg. 35737].

 Further, you can't deny employment opportunities to the otherwise qualified because you would have to make reasonable accommodation for an individual's physical or mental impairments [56 Fed. Reg. 35737; 35749].

 Discrimination is prohibited against a person who opposes a practice made unlawful by the ADA or because a person makes a charge, testifies, assists, or participates in an investigation, proceeding, or hearing to enforce the ADA [56 Fed. Reg. 35737].

 Employers can't coerce, intimidate, threaten, harass, or interfere with someone exercising the rights granted and protected by the ADA, nor someone aiding/encouraging exercise of the rights [56 Fed. Reg. 35737].

 Except according to the rules outlined on pages 24 and 25, you can't conduct a medical examination of applicants or employees, nor make inquiries as to whether they are disabled or the nature or severity of a disability [56 Fed. Reg. 35737].

WHAT SHOULD A LOCAL GOVERNMENT DO TO PREPARE FOR COMPLIANCE WITH TITLE I?

 Review job descriptions to make sure all "essential functions" are included and "non-essential functions" excluded. If you don't have accurate job descriptions, you may want to create them. Under the ADA, an employer's opinion as to "essential functions" must be considered. See pages 12-15.

 Make sure your job application forms don't include questions regarding disabilities. It's only permissible to ask whether the person is able to perform the "essential functions." This will require questions that are job- or skill-specific. Make sure there's no checklist of potential disability characteristics. See pages 19 and 20.

 Review any pre- and post-employment skills tests and how they are administered. Make sure they truly measure skills and aren't intended to determine whether a person has a disability or to screen out classes of individuals. See pages 19-21.

 Review whether a medical exam is truly necessary. Many times it's best not to require medical exams. Make sure the doctors you use are competent and employ the most up-to-date medical tests. Make sure medical information is kept separate from other personnel records and is kept confidential as required by the ADA. See pages 24 and 25.

 Review drug testing requirements for compliance with the ADA. See page 24.

 Ensure those contracting with and receiving local government appropriations are complying with the ADA.

 Sensitize / educate your current employees about ADA requirements.

 Review your existing leave policy. If you don't have one, adopt one and apply it consistently.

 Post required notices regarding rights and benefits under the ADA. See page 27.

 Prepare and file the appropriate EE0-1 form, if required. This form wasn't available at the date of this publication, but will be available in time for its required filing.

WHO IS DISABLED?

The regulations define a person as disabled if the individual meets any one of three tests: a physical or mental impairment substantially limiting at least one more of the "major life activities," a record of such an impairment, or being regarded as having such an impairment [56 Fed. Reg. 35735].

Age itself is not an impairment, but conditions commonly associated with age, such as hearing loss or arthritis, are impairments.

First Test: Determining whether a physical or mental impairment exists that substantially limits one or more of the major life activities.

A physical or mental impairment is any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the body systems listed in 56 Fed. Reg. 35735.

Examples:

HIV infection, cancer, heart disease, hearing and speech impediments, paraplegics, mental illness, learning disabilities.



Impairments don't include physical, psychological, environmental, cultural, or economic characteristics.

Impairments don't include physical, psychological, environmental, cultural, or economic characteristics.

Examples:

Eye or hair color, left-handedness, pregnancy, personality traits not associated with mental disorders, poverty, or a lack of education. Persons unable to read because they weren't taught aren't considered disabled. An individual unable to read because of a disability, such as dyslexia, is impaired.



Age itself is not an impairment, but conditions commonly associated with age, such as hearing loss or arthritis, are impairments [56 Fed. Reg. 35741].

The existence of an impairment is determined without regard for mitigating measures such as medicines, or assistive or prosthetic devices [56 Fed. Reg. 35740].



Examples:

A person with epilepsy has an impairment even if the symptoms are completely controlled by medicine. A person with hearing loss is disabled even if the hearing is corrected by a hearing aid. A person who uses artificial legs would likewise be substantially limited in the major life activity of walking because the individual can't walk without the aid of prosthetic devices. A diabetic who would lapse into a coma without insulin is substantially limited because the person can't perform major life activities without the aid of medication.

Decisions on whether a person is substantially limited in a major life activity must be made on a case-by-case basis.

"Substantially limits" means unable to perform — or significantly restricted (in condition, manner, or duration) in performing — a major life activity that the average person can perform. Impairments may be substantially limiting for some, but not for others. It depends on, for example, the stage of a disease or the presence of other impairments. Here are some factors to consider:

- the nature and severity of the impairment;
- the duration or expected duration of the impairment; and
- the permanent or long-term impact (or the expected impact) of the impairment.

The question is: Does the person have a significant restriction when compared to the abilities of the average person?

Decisions on whether a person is substantially limited in a major life activity must be made on a case-by-case basis. The question is: Does the person have a significant restriction when compared to the abilities of the average person?

Temporary disabilities aren't covered, unless the impact of the temporary disability is permanent.



Example:

A broken leg that takes several weeks to heal is not an impairment unless it heals improperly, causing a permanent limp. Similarly, a traumatic head injury could be substantially limiting depending on the effect on the individual's cognitive functioning.

"Major life activities" are activities the average person can perform with little or no difficulty. These include caring for oneself, performing

manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

Multiple impairments that combine to substantially limit one or more of a person's major life activities also constitute a disability [56 Fed. Reg. 35742].

A person is substantially limited in the major life activity of working if the person is significantly restricted in the ability to perform a class of work — or a broad range of jobs in various classes — when compared to an average person with comparable training and skills. The inability to perform one particular job or narrow range of jobs doesn't constitute a substantial limitation in the major life activity of working.



Example:

A person who can't be a commercial airline pilot because of a minor vision impairment, but can be a commercial co-pilot or a pilot for a courier service, isn't substantially limited in the major life activity of working.

When determining whether someone is substantially limited, here are some factors to consider:

- the geographic area reasonably accessible to the person.
- within that geographic area, the job (or number and types of jobs) using similar training, knowledge, skills, or abilities that the person has been disqualified from because of an impairment.



Example:

A man with a back condition that prevents him from performing any heavy manual labor is substantially limited. His impairment eliminates his ability to perform a class of jobs.

- within that geographic area, the job (or number and types of jobs) not using similar training, knowledge, skills, or abilities — a broad range of jobs in various classes — that the person has been disqualified from because of an impairment [56 Fed. Reg. 35735; 35741].



Example:

A person with chemical sensitivity, unable to work in any high-rise office building, is substantially limited from performing a broad range of jobs in various classes that are conducted in high-rise buildings.

Employers may use evidence of general employment demographics and/or recognized occupational classifications that indicate the approximate number of jobs (few, many, most) from which a person would be excluded because of the impairment [56 Fed. Reg. 35735].

If an individual is substantially limited in any other major life activity, no determination should be made as to whether the individual is substantially limited in the major life activity of working.

Second Test: Determining whether an individual has a record of impairment that substantially limits a major life activity.

"Record of impairment" covers individuals such as recovering alcoholics or rehabilitated drug users — people with a history of disability — and includes people misclassified as having a mental or physical impairment. The record establishing the disability may be an educational, medical, or employment record. However, a record identifying a person as disabled for some other purpose (identifying someone as a disabled veteran, for example) may not necessarily establish that person as disabled under the ADA [56 Fed. Reg. 35742].



Examples:

A former cancer patient is protected from discrimination based on this prior medical history. Persons misclassified as learning disabled are protected from discrimination based on the erroneous misclassification.

Third Test: Determining whether an individual is regarded by an employer as having an impairment that substantially limits a major life activity.

The concern addressed by this test is discrimination by an employer because of myths, fears, or stereotypes regarding the impact of the employee's medical condition on productivity, safety, insurance, liability, attendance, acceptance by coworkers or the public, or cost of accommodation or workers compensation.

There are three ways a person may be regarded as having a disability. The person may:

1. have an impairment not substantially limiting but perceived by the employer as substantially limiting.

"Society's accumulated myths and fears about disability and diseases are as handicapping as are the physical limitations that flow from actual impairment." *Arline*, 480 U.S. 273 (1987) at 284.



Example:

An employee has high blood pressure, but it isn't substantially limiting. If an employer reassigns the person to less strenuous work because of unsubstantiated fears that the individual will suffer a heart attack, the employer would be regarding the employee as disabled.

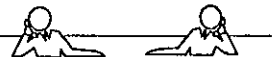
2. have an impairment that is only substantially limiting because of the attitudes of others toward the impairment.



Example:

A man may have a prominent facial scar or a condition that periodically causes an involuntary head jerk, but neither limits his major life activities. If the employer discriminates against him because of negative reaction of the public, the employer would be regarding the person as disabled and acting on the basis of that perceived disability.

3. have no impairment at all, but is regarded by the employer as having a substantially limiting impairment.



Example:

If an employer discharges a person in response to a rumor that the employee is infected with HIV, even though the rumor is totally unfounded, the person is considered disabled because the employer perceives the person as disabled.

Once you've determined a person meets the definition of disabled, then you must determine: Is the person qualified for the job and can the individual perform the essential functions of the job — with or without reasonable accommodation?

WHO IS A QUALIFIED INDIVIDUAL WITH A DISABILITY?

Once you've determined a person meets the definition of disabled, then you must determine: Is the person qualified for the job and can the individual perform the essential functions of the job — with or without reasonable accommodation?

A two-step analysis determines whether someone is "qualified, with a disability." Such a person: (1) satisfies the skill, experience, education, and other job-related requirements, and (2) with or without reasonable accommodation, can perform the essential functions of the position [56 Fed. Reg. 35743].

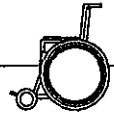
This analysis should be made when hiring a disabled person and based on the person's capabilities at that time. You can't speculate that

TITLE I- EMPLOYMENT

the employee may become unable to do the job in the future or that employing the person may increase health insurance premiums or workers compensation costs [56 Fed. Reg. 35743].

Step One: Determining if the person satisfies the prerequisites for the position.

Prerequisites for the job could include possessing the appropriate education, employment experience, skills, and licenses. This is sometimes referred to as determining if the person is "otherwise qualified" for the position.



Example:

The first step in determining whether a paraplegic is qualified as a certified public accountant (CPA) is to find out if the person is a licensed CPA.

Which functions are considered essential may be critical to determining whether a person with a disability is qualified. The decisions must be made on a case-by-case basis.

Step Two: Determining whether the person can perform the essential functions of the position held or desired, with or without reasonable accommodation.

Which functions are considered essential may be critical to determining whether a person with a disability is qualified. The decisions must be made on a case-by-case basis. Essential functions are those that the person must be able to perform unaided or with the assistance of a reasonable accommodation.

"Essential functions" of a job are fundamental job duties and not the marginal functions of the position [56 Fed. Reg. 35743]. Initially, the focus is whether employees actually perform the particular function and, if so, whether removing the function would fundamentally alter the position.

The purpose of this step is to ensure that persons with disabilities who can perform the essential functions of the job are not denied employment opportunities because they are not able to perform marginal functions of the position.

The purpose of this step is to ensure that persons with disabilities who can perform the essential functions of the job are not denied employment opportunities because they are not able to perform marginal functions of the position.



Example:

An employer may claim typing is an essential function of a position. If, in fact, the employer has never required any employee in the position to type, this will be evidence that typing is not actually an essential function of the position.

Factors to determine if a particular function is essential.

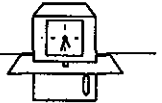
- Does the position exist to perform the particular function?



Example:

If an individual is hired to proofread documents, the ability to proofread would be an essential function, since it is the only reason the position exists.

- Are other employees available to perform that job function or among whom the performance of the job function can be distributed? A job function may become essential under this factor, either because the total number of employees is low or because of the government's fluctuating demands.



Example:

If an employer has a relatively small number of available employees for the volume of work to be performed, it may be necessary for each employee to perform many different functions. Therefore, the performance of those functions by each employee becomes more critical — and the options for reorganizing the work are more limited. In such a situation, functions that might not be essential with a larger staff may become essential.

Also, in a larger work force, the work flow may follow a cycle — heavy demand for labor-intensive work followed by low demand periods. Such work flow might also make the performance of each function during the peak period more critical and might limit the employer's flexibility to reorganize operating procedures.

The EEOC won't second guess an employer's business judgment when it comes to productivity standards, nor will it require employers to lower their standards.

- What degree of expertise or skill is required to perform the function? In certain professions, employees are hired for their expertise or ability to perform the particular function. In such situations, the performance of that specialized task would be an essential function.

What constitutes evidence that a particular job function is essential?

- Is it the employer's judgment that the function is essential? The Equal Employment Opportunity Commission (EEOC) won't sec-

and guess an employer's business judgment when it comes to productivity standards, nor will it require employers to lower their standards. However, job standards and qualifications must not be chosen to exclude a class of disabled. They must be legitimate and must be expected of the employee.



Examples:

The EEOC won't question why it's necessary for a codes enforcement officer to inspect 30 rather than five properties in one week.

*If an employer requires typists to accurately type 75 words per minute, the employer won't be called upon to explain why an inaccurate work product, or a typing speed of 65 words per minute, isn't adequate. However, if an employer requires an accurate 75 words per minute, the employer must show that the requirement is imposed on its employees **in fact**, and not just on paper.*

While not required by the ADA, written job descriptions — written before the job is advertised or interviews conducted — will be considered when determining whether a function is essential.

- What does the job description provide? While not required by the ADA, written job descriptions — written before the job is advertised or interviews conducted — will be considered when determining whether a function is essential. Also, the work experience of past employees will be considered. A model for determining essential functions is included on page 54.
- How much time is spent on that function?



Example:

If an employee spends most of the time working at a word processor, this is evidence that operating the word processor is an essential function of the job.

- What are the consequences of failing to perform the function?



Examples:

Although a firefighter may not regularly have to carry an unconscious adult out of a building, the consequence of failing to require the firefighter to be able to perform this function would be serious.

In Coski v. Local Government and County of Denver, 795 P.2d 1364 (Colo. App. 1990), cert. denied, Aug. 27, 1990, the ability to fire a gun

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A government can't prefer or select a qualified person without a disability over an equally qualified disabled person merely because the disabled person will require a reasonable accommodation. The need for a reasonable accommodation can't enter into the government's decision.

was determined to be an essential function of a police officer even though many officers rarely fire a weapon in the line of duty. The ability to take action to uphold their sworn duty to preserve the peace, protect life and property, and prevent crime is the essential function of police work.

- Is the function part of a collective bargaining agreement?
- What is the work experience of others who have held the same job or similar jobs?

Can the person perform the function with reasonable accommodation?

Someone who's blind may not at first seem qualified to perform a job that includes reviewing written materials. However, if providing a reader would resolve this problem, the individual is qualified. Providing a reader would be required as long as it didn't pose an "undue hardship" [*Nelson v. Thornburgh*, 567 F.Supp. 369, aff'd 732 F.2d 146 (1984) cert. den. 53 U.S.L.W. 3528 (1985)].

Employers are only required to make accommodation to the physical and mental limitations they know about.



Example:

A hearing-impaired applicant or employee for a position that requires use of a telephone may be able to perform the essential function of telephoning with the aid of TDD (telecommunication device for the deaf) and the statewide relay access service currently available in Tennessee at no charge to the employer.

After the essential functions have been determined, then the employer's question becomes: Would removing the essential function fundamentally alter the position and can the essential function be performed with a reasonable accommodation?

WHAT'S A REASONABLE ACCOMMODATION?

In general, an accommodation is any change in the work environment or in the way things are customarily done that enables a person with a disability to enjoy equal employment opportunities. It is a means to remove equal employment barriers [56 Fed. Reg. 35747].

Employers are only required to make accommodation to the physical and mental limitations they know about. It's the responsibility of the

TITLE I - EMPLOYMENT

A fundamental alteration in the nature of a job or the elimination of an essential job function isn't a reasonable accommodation.

disabled employee to inform the employer of needed accommodation [56 Fed. Reg. 35748].

A fundamental alteration in the nature of a job or the elimination of an essential job function isn't a reasonable accommodation.



Example:

Granting an exception to a reasonable policy of requiring all officers to be able to fire a weapon is not a "reasonable accommodation" [Coski v. Local Government and County of Denver, 795 P.2d 1364 (Colo. App. 1990), cert. denied, Aug. 27, 1990].

If the employee refuses the accommodation and, as a result, is unable to perform an essential function, the employee is no longer a qualified person with a disability.

In *Southeastern Community College v. Davis*, 99 S.Ct. 2361 (1979), an employer was not required to substantially alter programs nor to provide aids or assistants for the personal tasks of a disabled employee. In *Doherty v. Southern College of Optometry*, 862 F.2d 570 (6th Cir. 1988), elimination of a requirement that optometry students operate instruments properly was not a reasonable accommodation because proper operation was necessary for patient safety.

A disabled employee can't be forced to accept accommodation. However, if the employee refuses the accommodation and, as a result, is unable to perform an essential function, the employee is no longer a qualified person with a disability [56 Fed. Reg. 35749].

There are three categories of reasonable accommodation. They are:

1. accommodations required to ensure equal opportunity in the application process;
2. accommodations that enable employees with disabilities to perform the essential functions of the position; and
3. accommodations that enable employees with disabilities to enjoy equal benefits and privileges of employment, both at the workplace and at non-work facilities.

Accommodations could include:

-  making existing facilities accessible. An employer isn't required to make the entire facility barrier-free, but just the part of the facility that allows the disabled to perform the essential functions of the job.

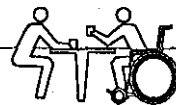


Examples:

Work stations, restrooms, water fountains, lunchrooms, parking, and employee-provided transportation.

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If these facilities aren't on the floor where the disabled person works, comparable facilities should be provided.



Examples:

Microwave oven, coffee pot, hot pot, and lunch table on the floor where the disabled employee works.

 restructuring a job by reallocating marginal (non-essential) job functions to other employees.



Example:

Having a non-disabled employee make a bank deposit when that duty can't be performed by a disabled person, even with an accommodation.

 assigning the disabled person to a different, vacant position, so long as that position is equivalent in pay and status. Reassignments that result in a demotion may only be made if no accommodations are available that would enable the employee to remain in the current position and there are no equivalent vacant positions. An employer isn't required to maintain the reassigned employee at the same salary level if the employer doesn't do so with non-disabled employees. Also, an employer isn't required to promote the person as an accommodation [56 Fed. Reg. 35730].

 modified work schedules.

 permitting use of accrued leave or providing additional leave for necessary treatment.

 allowing the disabled employee to use aids and services the employer isn't required to provide as a reasonable accommodation — a guide dog, for example.

 adjusting or modifying examinations, training materials, or policies.

 providing qualified readers or interpreters and other similar accommodations [56 Fed. Reg. 35744].

The process of identifying whether and to what extent a reasonable accommodation is required should be flexible and involve both the employer and the disabled person.

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The appropriate reasonable accommodation may be so obvious that the employer and employee don't realize they're engaged in any sort of reasonable accommodation process.

The accommodation process [56 Fed. Reg. 35748].

The process of identifying whether and to what extent a reasonable accommodation is required should be flexible and involve both the employer and the disabled person, and must be determined on a case-by-case basis. The accommodation must be tailored to match the individual's needs with the essential functions of the job.

The appropriate reasonable accommodation may be so obvious that the employer and employee don't realize they're engaged in any sort of reasonable accommodation process.



Example:

A person who uses a wheelchair requests that a desk be placed on blocks to elevate the desktop above the arms of the wheelchair.

When an individual's disability creates a barrier to employment opportunities, the ADA requires employers to consider whether a reasonable accommodation could remove the barrier.

In some instances, neither the employer nor the employee can readily identify the appropriate accommodation. The person needing the accommodation may not know enough about the equipment used by the employer or the exact nature of the work site to suggest an appropriate accommodation. Or, the employer may not know enough about the disability or the employee's limitations to suggest an appropriate accommodation. The steps outlined below help in these instances [56 Fed. Reg. 35748].

Five steps to take when a disabled person has requested a reasonable accommodation.

1. Determine the purpose and essential functions of the job. Analyze the actual job duties and determine the true purpose or object of the job. See Attachment 6.
2. Consult with the disabled person regarding the job-related limitations imposed by the disability. This assessment will make it possible to determine the precise barrier to the employment opportunity, which, in turn, will make it possible to determine the accommodations that could alleviate or remove the barrier.
3. In consultation with the disabled person, identify potential accommodations and assess their effectiveness in enabling the person to perform the job's essential functions. The preference of the disabled person should be given primary consideration. However, the employer has the ultimate discretion to choose between effective accommodations.

The preference of the disabled person should be given primary consideration.

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The Job Accommodation Network (JAN) at 800-526-7234 may be useful for job accommodation ideas. The network maintains a database of possible accommodations.

4. If consultation doesn't reveal potential accommodations, the employer may find technical assistance helpful in determining how to accommodate a particular person in a particular circumstance. Failure to get technical help from the federal agencies that administer the ADA won't excuse the duty to offer a reasonable accommodation.

5. Consider the person's accommodation preference and implement the accommodation most appropriate for both employer and employee [56 Fed. Reg. 35748].

When does an employer not have to provide an accommodation because of undue hardship?

Generally, "undue hardship" is a significant difficulty or expense — a financially burdensome accommodation or one that would fundamentally alter the way the employer conducts business [56 Fed. Reg. 35744].

Financial hardship depends on financial resources. *Nelson v. Thornburgh*, 567F, Supp. 369 aff'd 732 F.2d 146 (1984) cert. den. 53 U.S.L.W. 3528 (1985), set the standard. The case defined "undue hardship" to mean more than a *de minimus* cost. In *Thornburgh*, the Department of Public Welfare was required to provide readers for blind clerical workers at a cost of \$7,000 to \$10,000 per disabled employee per year. The court said these costs weren't "undue" in relation to the department's budget.

If an outside source, such as a state vocational rehabilitation agency or a disabled person, pays for an accommodation, the employer can't claim cost as an undue hardship.

Factors in determining undue hardship for local governments include:

- the size (number of employees, number and type of facilities, financial resources);
- the size, type, and financial resources of the specific facility where the accommodation would be;
- the nature and cost of the accommodation (In determining cost, exclude outside funding.);
- the impact of the accommodation on the facility's operation; and
- the number of employees or applicants potentially benefiting from the particular accommodation [56 Fed. Reg. 35736].

APPLICATIONS AND TESTS.

Generally, employers can ask about an applicant's or employee's ability to perform a job, but can't ask if someone has a disability or subject a person to tests that tend to screen out the disabled.

Applications should be narrowly tailored to address only job-related needs consistent with business necessity (which has the same meaning as

If an outside source pays for an accommodation, the employer can't claim cost as an undue hardship.

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in Section 504). Any test or question must be an accurate reflection of the skills or qualifications needed for the job; even then, it's subject to challenge if a qualified applicant or employee could meet the job performance standards with a reasonable accommodation.



Examples:

If driving is an essential function, the employer may ask if applicants have a driver's license, but not whether they have a visual impairment.

A man with one leg, an applicant for a sewer inspection position, may be asked how he intends to get his tools up or down narrow passageways. However, he can't be asked about the severity or prognosis of the disability.

An employer can't ask about an individual's workers compensation history or the extent of leave necessary to accommodate a disability, although the employer may state the attendance requirements of the position and ask whether the employee can meet them.

Job criteria that—even unintentionally—screen out or tend to screen out disabled persons (or a class of disabled persons) because of their disabilities may not be used unless the employer demonstrates the criteria are job-related and consistent with business necessity. (Again, these terms have the same meaning as in Section 504.)

Selection criteria such as vision, hearing, walking, and lifting requirements; safety requirements; and employment tests, even if job-related, can't be used to exclude a disabled person if that person could satisfy the criteria with a reasonable accommodation. To show a safety requirement is job-related, the requirement must satisfy the "direct threat" standard discussed on pages 22 and 23.

An employer can't ask about an individual's workers compensation history or the extent of leave necessary to accommodate a disability, although the employer may state the attendance requirements of the position and ask whether the employee can meet them [56 Fed. Reg. 35732; 35737].

Local governments should examine their employment applications to make sure that an applicant isn't required to check off impairments.

Administration of tests.

Disabled persons can't be excluded from jobs merely because a disability prevents them from taking a test, or negatively influences the results of a test.

An employer must ensure that the interview or test site and the application process are accessible. Disabled persons can't be excluded from jobs merely because a disability prevents them from taking a test, or negatively influences the results of a test.

Employment tests must be administered to eligible applicants or employees with sensory, manual, and speaking disabilities in a way that doesn't require the use of the impaired skill.



Examples:

A woman who informs the employer, prior to the administration of the test, that she is dyslexic and unable to read must be given an oral test. By the same token, a written test could be substituted for an oral test if the person's speaking skills are impaired. Other examples are: large print or Brailled examinations and applications; modified testing conditions, such as allowing more time to take a test or using non-standardized tests; or having a reader or sign interpreter available.

Employment tests that require the use of sensory, manual, or speaking skills, where the tests are intended to measure those skills, are permissible (if the skill is an essential function of the job).

A disabled person may not realize prior to the administration of a test that an accommodation will be needed to take the test. In such a situation, upon becoming aware of the need for an accommodation, the person must inform the employer.

The employer may ask, on a test announcement or application form, that disabled persons who need reasonable accommodation to take a test tell the employer within a reasonable time before the test. The employer may also ask that documentation of the need for an accommodation accompany the request [56 Fed. Reg. 35750]. An employer isn't required to offer every applicant a *choice* of test format.

When it's not possible to test in an accessible format, the employer may be required, as a reasonable accommodation, to evaluate the skill of the person in another manner.

When it's not possible to test in an accessible format, the employer may be required, as a reasonable accommodation, to evaluate the skill of the person in another manner.



Example:

Alternatives may include interviews, relying on degrees or licenses, or work experience.

Physical agility tests.

Physical agility tests aren't medical examinations and may be given to applicants and employees. Such tests must be given to all similarly situated applicants or employees regardless of disabilities. If the test would screen out or tend to screen out disabled persons, the employer must show that the test is job-related and consistent with business necessity and that performance can't be achieved with a reasonable accommodation [56 Fed. Reg. 35750]. Because they may tend to screen out the disabled, policies requiring agility tests should be closely examined to ensure they're job-related and not really a medical exam.

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Example:

Job-related agility tests for public safety officers (police and firefighters) will probably be allowed, but this isn't clear.

SMOKING.

In a recent California case, a court determined that because breathing is a major life activity, an individual that is hypersensitive to cigarette smoke must be accommodated; the only adequate accommodation was a total ban on smoking in the workplace.

You may prohibit or restrict smoking in the workplace [56 Fed. Reg. 35739]. The federal Department of Justice was asked to recognize chemical sensitivity (environmental illness) as well as allergy to cigarette smoke as a disability. The department declined to generalize that such conditions were disabilities because whether an impairment is a disability depends on whether, given the particular circumstances, the impairment substantially limits a major activity.

Sometimes respiratory or neurological functioning may be so severely impaired that it satisfies the definition. In other cases, the individual's sensitivity may not be that great. In a recent California case, a court determined that because breathing is a major life activity, an individual that is hypersensitive to cigarette smoke must be accommodated; the only adequate accommodation was a total ban on smoking in the workplace.

CONTAGIOUS AND COMMUNICABLE DISEASES.

The ADA considers individuals with contagious or communicable diseases that threaten one or more major life functions as disabled. But the act doesn't require accommodations if they would pose a direct threat to the health or safety of the ill person or others [56 Fed. Reg. 35731; 35736; 35745]. If a person poses a significant health risk, the person isn't considered "otherwise qualified."

However, the risk of such a threat can't be speculative or general, or able to be eliminated through reasonable accommodation. In *School Board of Nassau County v. Arline*, 480 U.S. 273 (1987), a teacher with tuberculosis was dismissed from her job after a third relapse. The court ruled she couldn't be dismissed on the basis of her disease because it didn't pose a direct threat to the health or safety of her students. Also, in *Chalk v. Orange County Superintendent of Schools*, 840 F.2d 701 (9th Cir.1988), the court held that an employee with AIDS posed no more than a mere theoretical risk of transmission of the disease.

"Direct threat" means a significant risk of substantial harm to the health or safety of the person or others that can't be eliminated or reduced by reasonable accommodation. The determination that a person poses a direct threat must be based on an assessment of the person's present

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A health or safety risk can only be a basis for an employment decision if it poses a significant risk of substantial harm based on valid medical analyses and/or other objective evidence, and not on speculation.

ability to safely perform the job's essential functions. It must be based on valid medical data relying on the most current medical knowledge and/or the best available objective and factual evidence, and not on subjective perceptions, irrational fears, patronizing attitudes, or stereotypes about the nature or effect of a disability [56 Fed. Reg. 35737].

In determining whether an individual would pose a "direct threat," the factors to be considered include:

- the duration of the risk;
- the nature and severity of the potential harm;
- the likelihood that the potential harm will occur; and
- the imminence of the potential harm [56 Fed. Reg. 35745; 35736].

Special provision for food handling [56 Fed. Reg. 35739].

When a person with an infectious or communicable disease is involved in a food handling job, the "direct threat" analysis is applicable. The secretary of Health and Human Services prepares a list, updated annually, of infectious and communicable diseases transmitted through food handling. The list is found in 56 Fed. Reg. 40898 and may be obtained from:

Center for Infectious Diseases
Centers for Disease Control
1600 Clifton Road, N.W., Mailstop C09
Atlanta, GA 30333

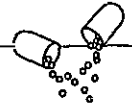
If a person has a disability included on this list, then the employer must determine if there's a reasonable accommodation that will eliminate the risk of transmitting the disease through food handling. If the risk of transmitting the disease can't be eliminated by reasonable accommodation, the employer may reassign an employee to a vacant position not involving food handling or refuse to hire that person [56 Fed. Reg. 35753].

An employer also may hold alcoholics or ex-addicts to the same performance standards as other employees.

ILLEGAL DRUG USE.

An employer can prohibit the illegal use of drugs and the use of alcohol at the workplace, may require that all employees not be under the influence of alcohol or engaging in the use of illegal drugs in the workplace, and may require conformity with the requirements of The Drug-Free Workplace Act of 1988 (41 U.S.C. Section 701). An employer also may hold alcoholics or ex-addicts to the same performance standards as other employees [56 Fed. Reg. 35752].

When is drug use or alcoholism a disability? Alcoholism (unless it "interferes with a person's ability to work or poses a threat to property or safety of others") and past drug use are disabilities. Persons currently engaged in the illegal use of drugs are not considered disabled and are not protected by the ADA.



Example:

*If an employee tests positively on a **legally administered** drug test, the employer's personnel policies can be enforced.*

Law enforcement agencies probably can impose a qualification standard that excludes individuals with a history of illegal use of drugs. A past drug user is someone who has successfully completed a rehabilitation program, or is currently in a rehab program and no longer using drugs. A rehab program includes both in-patient and out-patient programs, as well as employee assistance programs, professionally recognized self-help programs, or other programs that provide professional counseling [56 Fed. Reg. 35736]].

Current drug use isn't limited to the use of drugs on the day of, or within a matter of days or weeks before, the employment action in question. Rather, it applies to any illegal drug use occurring recently enough to indicate that the person is actively engaged in the use of illegal drugs.

Drug testing.

Drug testing must satisfy existing federal and state law with regard to whether you have the right to test and how a test is administered.

The ADA is neutral toward employers testing for the illegal use of drugs and neither encourages, discourages, authorizes, nor prohibits drug testing. Tests for the illegal use of drugs aren't considered medical examinations for purposes of the ADA. An employer may use drug tests to find out whether someone is a current illegal drug user, and may refuse to hire on the basis of positive results, but drug testing must satisfy existing federal and state law with regard to whether you have the right to test and how a test is administered.

The ADA provides that if drug testing results reveal information about a person's medical condition beyond whether the person is currently engaged in the illegal use of drugs, the additional information must be kept confidential.

MEDICAL EXAMINATIONS AND QUESTIONS [56 FED. REG. 35737].

Medical information is required to be kept confidential.

Medical exams and inquiries must serve a legitimate business purpose. Medical information is required to be kept confidential, except that:

- supervisors may be informed regarding necessary restrictions on the work or duties of the employee and necessary accommodations;
- first aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment; and
- government officials investigating compliance with the ADA shall be provided with relevant information upon request.

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Medical information may not be used for any purpose inconsistent with the ADA.

Pre-employment (job applicants).

- Employers may ask narrowly tailored pre-employment medical questions about the applicant's ability to perform job-related functions.
- Employers can collect voluntary data necessary to satisfy affirmative action requirements of the Rehabilitation Act.
- Employers can't inquire as to whether an applicant has a disability.
- Employers can't inquire about an applicant's workers compensation history.

Employers may condition an offer of employment on the result of a medical exam required post-offer and before the applicant begins employment duties if all entering employees in the same job category are subjected to such an examination.

Post-offer (pre-employment).

Employers may condition an offer of employment on the result of a medical exam required post-offer and before the applicant begins employment duties if all entering employees in the same job category are subjected to such an examination. Medical examinations not uniformly given or which tend to screen out the disabled must be job-related and consistent with business necessity. All decisions based on medical exams, whether business related or not, are subject to the reasonable accommodation requirement. That is, even if the applicant's medical exam reveals a disability, the employer may not refuse to hire if the disability can be reasonably accommodated.

Employees.

- Employers may require a medical exam or ask questions when needed for an accommodation process.
- Employers may require a medical exam (fitness for duty) or other medical monitoring if job-related and consistent with business necessity. As an example, federal and state laws or a licensing process could require periodic exams for bus drivers or police officers [56 Fed. Reg. 37751].
- Employers may conduct voluntary medical examinations and activities, including voluntary medical histories that are part of an employee health program available to employees at the work site.

HEALTH INSURANCE AND OTHER BENEFIT PLANS.

The ADA requires an employer to provide equal access to whatever insurance is provided the non-disabled employees. A local government can't refuse to hire a disabled individual because insurance rates or workers compensation claims will rise. However, employers can offer policies with pre-existing condition clauses, or policies that limit coverage for certain procedures to a specific number per year, even if these policy provisions have a disparate impact on the disabled. No regulations have been issued yet on whether policies with a lifetime limit on amount of benefits for certain conditions, such as AIDS, will be allowed.

The ADA doesn't limit insurance plans based on underwriting risks or classifying risks. Thus, the employer may treat a disabled employee differently under an insurance or benefit plan because the disabled represent an increased hazard of death or illness. Even-handed application of actuarial principles in providing benefits is allowable (56 Fed. Reg. 35753).

RECORDKEEPING.

The ADA requires records be kept for one year and the EEOC has the authority to investigate governmental entities to determine whether they are complying with the reporting and recordkeeping requirements [56 Fed. Reg. 35755].

REMEDIES AND ENFORCEMENT.

The law gives disabled individuals the same remedies as in Title VII. Currently, these remedies provide equitable make-whole relief such as back pay and reinstatement [56 Fed. Reg. 35755] and mandatory injunctive relief against local governments and local government officials. Jury trials and punitive damages aren't available, but attorney's fees may be awarded [56 Fed. Reg. 35695]. The Civil Rights Act of 1991 allows recovery of damages, and limits those damages based on the government's number of employees.

POSTING NOTICES.

You must post notices concerning the provisions of the ADA, including the reasonable accommodation obligation, in a conspicuous place on your premises (employment offices and other places where the notices will be readily seen). If needed, the notices must be accessible to persons with visual or other reading disabilities. A new Equal Employment Opportunity poster, adding the ADA provisions, may be obtained by contacting the EEOC.

A local government can't refuse to hire a disabled individual because insurance rates or workers compensation claims will rise.

The EEOC issued a technical assistance manual in January 1992, further interpreting Title I. You are encouraged to obtain a copy by calling the EEOC toll-free number listed below.

**FOR MORE INFORMATION
ABOUT THE ADA EMPLOYMENT PROVISIONS, CONTACT:**

U.S. Department of Justice
Civil Rights Division
Coordination and Review Section
P.O. Box 66118
Washington, D.C. 20035-6118
(202) 514-0301 (Voice)
(202) 514-0381 (TDD)
(202) 514-0383 (TDD)

Equal Employment Opportunity Commission
1801 L Street NW
Washington, D.C. 20507
(202) 663-4900
Toll-free: 800-669-4000 (automatically transfers you to the district
office in your area code)

EEOC Memphis District Office
1407 Union Avenue, Suite 621
Memphis, Tennessee 38104
(901) 722-2617 (Voice)
(901) 222-2604 (TDD)

EEOC Nashville District Office
50 Vantage Way, Suite 202
Nashville, Tennessee 37228
(615) 736-5820 (Voice)
(615) 736-5870 (TDD)

TITLE II - PROGRAMS

The basic rule of Title II is that no person shall be excluded from participation in or denied the benefits of the programs, services, or activities of a local government on the basis of a disability, nor be subjected to discrimination by any local government.

The basic rule of Title II is that no person shall be excluded from participation in or denied the benefits of the programs, services, or activities of a local government on the basis of a disability, nor be subjected to discrimination by any local government. Title II incorporates the principles of Section 504 and the case law interpreting it. All programs, services, and activities (herein programs) are covered, even if they're carried out by contractors [56 Fed. Reg. 35719]. Title II applies to:

- employment (also covered by Title I).
- programs involving general public contact as part of the entity's ongoing operations.

Examples:

Communication with the public such as telephone contacts, office walk-ins, interviews, and the public's use of government's facilities.



- programs directly administered by state and local governments that provide services or benefits.

The aids, benefits, or services provided to disabled persons must be as effective as those provided to others — affording equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement.

Public school systems must comply with the ADA in all of their programs, including those that are open to parents or to the public.

Example:

Public school systems must provide program accessibility to parents and guardians with disabilities. Events covered could include graduation ceremonies, parent-teacher organization meetings, plays, and adult education classes. Appropriate auxiliary aids and services would be required if the provision of the auxiliary aid isn't an undue burden nor causes a fundamental alteration of the program.



Title II of the ADA requires public transportation be accessible to the disabled. However, this topic isn't discussed in this report. The transportation requirements are extensive and important. For example, new buses must have chair lifts, priority seating, hand rails, and tie downs for wheelchairs. The level of service provided to disabled persons must equal that provided to others. Please carefully review 49 C.F.R. Part 37, 49 C.F.R. § 609.17-609.19, the ADA, and the Rehabilitation Act, as compliance is a condition of receiving federal funds.

TITLE II - PROGRAMS

The self-evaluation requirement doesn't stay the effective date of the statute and local governments aren't shielded from discrimination claims during the year allowed to complete the self-evaluation.

It's hoped the process will help you establish a working relationship with disabled persons in your community.

You must provide an opportunity for interested persons, including disabled persons or organizations representing disabled persons, to participate in the self-evaluation process.

FOUR STEPS YOU MUST TAKE TO COMPLY WITH TITLE II.

Step 1: Self-evaluation plan.

All public entities are required to undertake a self-evaluation within one year of January 26, 1992, and complete it by January 26, 1993. You must evaluate current policies and practices and identify and correct any inconsistent with the ADA. The self-evaluation requirement doesn't stay the effective date of the statute and local governments aren't shielded from discrimination claims during the year allowed to complete the self-evaluation. Therefore, all services, facilities, and programs must meet the requirements of the ADA by January 26, 1992, even though the self-evaluation doesn't have to be completed until the following January, or January 26, 1993. We suggest that you begin immediately and have the self-evaluation completed by January 26, 1992, or as soon as possible. See Attachment 1 for a sample self-evaluation plan guide.

The ADA requires the Department of Justice, in consultation with other federal agencies administering the act, to plan how those agencies would provide technical assistance to the persons and entities affected. Unfortunately, the amount of technical assistance actually provided under the ADA will depend on the federal budget. Without additional appropriations, technical assistance will be limited to the dissemination of minimum, basic information regarding the ADA's requirements and compliance techniques [55 Fed. Reg. 50237-50239]. Failure to receive technical assistance isn't a defense [56 Fed. Reg. 35722].

You must provide an opportunity for interested persons, including disabled persons or organizations representing the disabled, to participate in the self-evaluation process. Attachment 7 is a list of some of these organizations. It's hoped the process will help you establish a working relationship with disabled persons in your community.

If your local government employs 50 or more persons, the self-evaluation must be on file and available for public inspection for three years. Also available for inspection during those three years should be:

- a list of the interested persons consulted;
- a description of areas examined and any problems identified; and
- a description of any modifications made.

While there are certain exclusions from the self-evaluation process, it's expected that a great many public entities will self-evaluate all their policies and programs. If you've already complied with the self-evaluation requirement of Section 504 under the federal general revenue sharing program, then a self-evaluation is only necessary for those programs not covered. However, since many self-evaluations were done five to 12 years ago, we encourage local governments to reexamine all policies and programs. Programs and functions may have changed, and actions that

TITLE II - PROGRAMS

were supposed to have been done may not have been or may no longer be effective [56 Fed. Reg. 35701; 35718].

Step 2: Notices.

Every local government must make available and disseminate to applicants, participants, beneficiaries, and other interested persons information regarding the ADA and its applicability to the local government's programs [56 Fed. Reg. 35718]. You can publish the information in handbooks, manuals, and pamphlets, display informative posters in your local government buildings and other public places, and broadcast the information on television or radio. These notices must comply with 20 C.F.R. § 35.160, which gives guidance in how to effectively communicate with disabled persons [56 Fed. Reg. 35702; 35718].

Step 3: Designating a responsible employee as ADA coordinator.

Local governments with 50 or more employees must name a responsible employee to coordinate its ADA compliance effort and investigate complaints. The reason for this is to ensure that someone dealing with a large agency can easily find a responsible person familiar with the ADA, who can communicate those requirements to others in the agency who may be unaware of their responsibilities. You must make the name, office address, and telephone number of the designated employee available to all interested parties [56 Fed. Reg. 35702; 35718]. The designation of an ADA coordinator in governments with less than 50 employees, though not required, is suggested. Asking an employee to focus on compliance with the ADA and to act as a liaison between the government and the public can only enhance the local government's compliance efforts.

Step 4: Adoption of a grievance procedure.

Local governments with 50 or more employees must establish grievance procedures to resolve complaints. This is similar to the requirement in Section 504. The purpose is to create a way to handle complaints at the local level without federal intervention. However, persons won't be required to exhaust this administrative avenue before filing a complaint with the relevant federal agency or before filing suit [56 Fed. Reg. 35718]. See **Enforcement and Remedies** on pages 42 and 43. For a model grievance procedure, see Attachment 4.

DEFINITIONS

Congress intended that the definitions of *discrimination*, *reasonable accommodation*, and *undue hardship* in Title I be included in the regulations

implementing Title II. However, there are some additional definitions needed to understand the requirements of Title II.

Facilities - all or any portion of buildings, structures, sites, complexes, equipment, mobile health units, bookmobiles or other conveyances, roads, walks, passageways, parking lots, or other real or personal property, including the site where the building, property, structure, or equipment is located. It includes both indoor and outdoor areas where improvements, structures, equipment, or property have been added to the natural environment [56 Fed. Reg. 35700; 35717].

Qualified individual with a disability - an individual who — with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services — meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided. Basically this is the same as in Title I, but can also include a disabled person who meets the essential eligibility requirements for the receipt of services [56 Fed. Reg. 35700; 35717]. What does meeting the “essential eligibility requirements” mean?

Public entities aren't required to use the newest or most advanced technologies as long as the auxiliary aid or service selected affords effective communication.

Example:

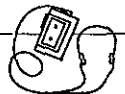
Most public entities provide information about their operations to anyone who requests it. In such situations, the only “eligibility requirement” for receipt of such information would be the request for it.



Auxiliary aids and services - includes a wide range of services and devices for ensuring effective communication. Although this definition would include state-of-the-art devices, public entities aren't required to use the newest or most advanced technologies as long as the auxiliary aid or service selected affords effective communication [56 Fed. Reg. 35717].

Examples:

To make material available to those with hearing impairments: qualified interpreters, note takers, transcription services, written materials, telephone handset amplifiers, assistive listening devices, assistive listening systems, telephones compatible with hearing aids, closed caption decoders, video text displays, closed and open captioning, and telecommunications devices for deaf persons (TDDs). For those with visual impairments: qualified readers, taped tests, audio recordings, Brailled materials, and large print materials.



TITLE II - PROGRAMS

Local governments aren't required to provide disabled persons with personal devices, such as wheelchairs; individually prescribed devices, such as prescription eyeglasses or hearing aids; readers for personal use or study; or services of a personal nature, including assistance in eating, toileting, or dressing (unless the person is in a jail, hospital, or similar facility) [56 Fed. Reg. 35719].

Qualified interpreter - an interpreter able to interpret effectively, accurately, and impartially both receptively and expressively, using any necessary specialized vocabulary [56 Fed. Reg. 35701; 36517]. See T.C.A. §§ 24-1-210 and 24-1-103 for state law provisions regarding interpreters.

Example:

A family member or friend may not be "qualified" to render such interpretation because of factors such as emotional or personal involvement or considerations of confidentiality that may adversely affect the ability to interpret "effectively, accurately, and impartially."



WHAT DOES TITLE II REQUIRE?

No qualified disabled person shall be excluded from participation in or be denied the benefits of a public entity's programs because a local government's facilities are inaccessible or unusable, or be subjected to discrimination [56 Fed. Reg. 35718].

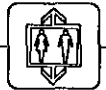
A local government must operate each program so it is readily accessible to and usable by disabled persons. This doesn't necessarily mean that a local government must make each of its existing facilities accessible and usable. Also, a local government isn't required to take any action that it can prove would result in a fundamental alteration in the nature of the program or result in undue financial and administrative burdens [56 Fed. Reg. 35719].

The local government must notify the public regarding barriers to accessibility. Once this public notification is given, it's incumbent upon the disabled person to request the needed accommodation.

Program accessibility.

The concept of program accessibility was used in the Section 504 program, and allowed recipients to make their federally assisted programs available to individuals with disabilities — without extensive retrofitting of their existing buildings and facilities — by offering those programs through alternative methods. The local government must notify the public regarding barriers to accessibility. Once this public notification is given, it's incumbent upon the disabled person to request the needed accommodation. You may impose reasonable advance notice

but, even if advance notice isn't given, we recommend making any reasonable accommodation — one that doesn't impose an undue burden on you.



Examples:

Redesign of equipment, reassignment of services to accessible buildings, assignment of aides, home visits, delivery of services at alternate accessible sites, alteration of existing facilities, construction of new facilities, and use of conveyances.

After notifying the public that a meeting facility is inaccessible, a local government could move meetings to an accessible facility so people in wheelchairs could attend.

The burden of establishing that a particular action will create undue administrative or financial hardship rests on the local government. This decision must be:

- made by a high-level official, no lower than a department head, with budgetary authority and responsibility for making spending decisions [56 Fed. Reg. 35709];
- made after considering all public entity resources available to fund and operate the program; and
- accompanied by a written statement of the reasons for reaching that conclusion.

If the determination is made that a particular action creates an undue burden, alternatives that don't create such a burden must be undertaken to ensure that disabled persons receive the benefits.

A person "aggrieved" by the decision (or failure to make a decision) may file a complaint under the procedures established in the ADA.

Maintenance of accessible features.

It's not sufficient to provide features such as elevators and ramps if they aren't maintained.

Except for isolated or temporary interruptions in service or access due to maintenance or repairs, accommodations for the disabled must be in good working order [56 Fed. Reg. 35719]. It's not sufficient to provide features such as elevators and ramps if they aren't maintained.



Examples:

Inoperable elevators, locked doors, or obstructed routes (furniture, filing cabinets, or potted plants in the way) are neither accessible to nor usable by the disabled.

TITLE II - PROGRAMS

Structural changes to existing buildings.

Structural changes aren't required if alternative methods can make an activity or facility accessible.

Structural changes aren't required if alternative methods can make an activity or facility accessible. Structural changes must be made within three years of the effective date, or by January 26, 1995. In any event, we recommend you make them as expeditiously as possible. During the three-year period allowed for structural changes, a local government is required to adopt alternative accommodations that don't pose an undue administrative burden or fundamentally alter the program.

Transition plan. Every local government that employs 50 or more persons must develop a transition plan by July 26, 1992, setting forth the steps necessary to complete structural changes. The plan must:

- be developed with the opportunity for interested persons (including organizations representing disabled persons) to submit comments. A list of organizations is found in Attachment 7.
- include a schedule for providing curb ramps or other sloped areas where pedestrian walks cross curbs. Priority should be given to walkways serving entities covered by the ADA, followed by walkways serving state and local government offices and facilities, transportation, places of public use, and employers, followed by other areas. The regulations also suggest an adequate number of accessible parking spaces in existing parking lots or garages over which the local government has jurisdiction.
- identify physical obstacles in local government facilities that limit accessibility.
- describe in detail the methods to be used to make the facilities accessible.
- schedule when the steps necessary for compliance will be taken. If the transition plan is more than one year long, the schedule must identify the steps to be taken during each year.
- indicate the official responsible for implementation of the plan.
- be kept on file for public inspection [56 Fed. Reg. 35720]. See Attachment 2 for a suggested format.

If a local government has already complied with the transition plan for Section 504, only those policies and practices not included in the previous transition plan will have to meet these requirements [56 Fed.

TITLE II - PROGRAMS

A local government isn't required to take any action that would threaten or destroy a historic property's significance.

Reg. 35720]. However, since many evaluations were done five to 12 years ago, we encourage local governments to reexamine all policies and programs. Programs and functions may have changed, and actions that were supposed to have been done may not have been or may no longer be effective.

Historic properties. A local government isn't required to take any action that would threaten or destroy a historic property's significance. Historic properties are those listed, or eligible for listing, in the National Register of Historic Places or properties designated as historic under state or local law. Historic preservation programs are those conducted by a public entity that have preservation of historic properties as a primary purpose. In such programs, priority should be given to methods that will provide physical access to disabled persons. In cases where physical alteration to a historic property isn't required, alternatives to make the facility accessible include:

- using audio-visual materials and devices to depict those portions of a historic property that aren't accessible;
- assigning guides for disabled persons into or through portions of historic properties that can't otherwise be made accessible; or
- adopting other innovative methods.

Alterations to historic properties must comply, to the maximum extent possible, with section 4.1.7 of the Uniform Federal Accessibility Standards (UFAS) [Appendix A to 41 CFR part 101-19.6], or section 4.1.7 of the Americans with Disabilities Act Accessibility Guidelines (ADAAG) for Buildings and Facilities [ADAAG; Appendix A to 28 CFR part 36].

New construction and alterations.

Local government building inspectors have no authority to monitor or inspect for ADA compliance. A local government should notify the public that ADA requirements for new construction may be applicable.

All newly constructed local government buildings must be accessible. The construction is considered "new" if bids are let after January 26, 1992.

Now local governments have the choice between two standards for accessible new construction and alteration: the UFAS or the ADAAG. If the ADAAG is chosen, the elevator exemption for buildings less than three stories or less than 3,000 square feet per story doesn't apply. The regulations adopt this choice because — other than the elevator exemption at section 4.1.3(5) and section 4.1.6(1)(J) of ADAAG, which isn't applicable — the ADAAG contains more stringent standards [56 Fed. Reg. 35720].

Departures from these standards are allowed when it's evident that equivalent access to the facility or part of the facility is provided.

Local government building inspectors have no authority to monitor or inspect for ADA compliance. A local government should notify the public that ADA requirements for new construction may be applicable.

TITLE II - PROGRAMS

Leased buildings. Buildings leased by a local government are subject to the accessibility standards for existing structures [56 Fed. Reg. 35711]. However, local governments are encouraged to lease the most accessible space available and to attempt to find space that contains:

- one accessible route from an accessible entrance to the areas where principal activities are conducted;
- accessible toilet facilities; and
- accessible parking facilities, if a parking area is included in the lease.

Curb ramps. All newly constructed or altered streets, roads, and highways must have ramps at intersections with curbs or other barriers from a street-level pedestrian walkway. Conversely, all newly constructed or altered street-level pedestrian walkways must have curb ramps at intersections to streets, roads, or highways.

Training.

In many cases, lack of training leads to discriminatory practices, even when the policies in place are nondiscriminatory.

While not required by a particular rule, the training and sensitizing of your employees, particularly law enforcement personnel, regarding the disabled is appropriate for governments. In many cases, lack of training leads to discriminatory practices, even when the policies in place are nondiscriminatory [56 Fed. Reg. 35702].

Law enforcement personnel should be able to recognize the difference between criminal activity and actions caused by seizures or other disabilities such as mental retardation, cerebral palsy, traumatic brain injury, mental illness, or deafness.

Discriminatory arrest and brutal treatment already are unlawful police activities. But, law enforcement agencies need to make sure that changes are made in any policy that could result in discriminatory arrest or abuse of disabled persons [56 Fed. Reg. 35703].

You should strive to administer your programs in a setting that enables disabled persons to interact with non-disabled persons to the fullest extent possible.

Your local government programs must be administered in the most integrated setting appropriate to the needs of qualified disabled persons.

Integration is fundamental to the purposes of the ADA. You should strive to administer your programs in a setting that enables disabled persons to interact with non-disabled persons to the fullest extent possible.

Yet, while the goal is to offer disabled persons programs in an integrated setting, you may develop separate or different programs when necessary to provide disabled persons with an equal opportunity to participate — but only when the separate program is as effective as

those provided to others. In most instances, separate programs won't be permitted [56 Fed. Reg. 35712].



Example:

It's illegal to require disabled persons to sit in a designated area of a government auditorium or to refuse to allow a disabled person the full use of recreation or exercise facilities because of stereotypes about the person's ability to participate.

Even if a separate program is needed, the disabled person need not choose to participate.

You can't require a disabled person to accept an accommodation, aid, service, opportunity, or benefit provided under the ADA.

Even if a separate program is needed, the disabled person need not choose to participate. The question then becomes: How much must a local government do to accommodate this disabled person into an integrated program once it has established a separate program? This will depend not only on what the person needs, but also on whether it is an undue burden on the public entity. In some cases, any accommodation into the integrated program may be an undue burden once the local government provides separate but equivalent programs.



Example:

A person who is blind may decline to participate in a special museum tour that allows persons to touch sculptures and, instead, tour the exhibit at his or her own pace with the museum's recorded tour. The ADA doesn't require the blind person to take the special tour.

A blind person may choose not to go to the front of a line, even if a particular public accommodation has chosen to offer such a modification of a policy for blind individuals.

It wouldn't be an ADA violation for your parks department to offer programs specially designed for children with mobility impairments. However, you couldn't exclude these children from other recreational services in which they're qualified to participate when these services are available to non-disabled children.

As a side note, the regulations don't authorize the representative or guardian of a disabled individual to decline food, water, medical treatment, or medical services for that individual. Neither the ADA nor the

Local governments must ensure that communications with the disabled are as effective as communications with others.

regulations alter current federal law ensuring the rights of incompetent individualsto receive food, water, and medical treatment [see 42 U.S.C.A. 5106; 29 U.S.C.A. 794; 42 U.S.C.A. 6042); 56 Fed. Reg. 37519].

You must take appropriate steps to ensure that communications with disabled applicants, participants, and members of the public are as effective as communications with others.

Local governments must ensure that communications with the disabled are as effective as communications with others [56 Fed. Reg. 35711; 35721]. This includes appropriate auxiliary aids and services that allow full participation in local government programs.

Because of the range of disabilities and the range of available auxiliary aids and services, disabled persons must be able to state their preference of an auxiliary aid and service needed. This preference must be honored unless the local government can demonstrate that another effective means of communication exists or that use of the means chosen creates undue administrative or financial burden.

Using the same process as outlined on page 33, a **written statement** of the reasons for reaching the conclusion of undue burden is required. Again, you're required to take any other action that would not result in such a fundamental alteration of the program or undue burden, but would nevertheless ensure that, to the maximum extent possible, disabled persons receive the benefits or services provided by the local government.



Example:

Use of a notepad is effective to communicate with the hearing-impaired. Interpreters for the hearing-impaired should be provided at public meetings. If requested, readers or reading devices should be provided when a visually-impaired person is reviewing public documents, examining demonstrative evidence, and filling out voter registration forms or forms needed to receive public benefits.

TDDs

Telecommunication devices for the deaf (TDDs) or equally effective telecommunication systems may be used when communicating by telephone. The Tennessee Relay Center's service numbers are:

800-848-0298 (TDD users);

800-848-0299 (Voice users); and

800-855-1155 (TDD user directory assistance).

TITLE II - PROGRAMS

The Department of Justice encourages local governments to have TDDs where the provision of telephone service is a major function of the entity, such as local government offices, libraries, and public aid offices [56 Fed. Reg. 35721].

911 and Emergency Communications.

Emergency systems must have hearing- and speech-impaired telecommunications devices so there's direct access to emergency services.

Emergency systems must have hearing- and speech-impaired telecommunications devices so there's direct access to emergency services [56 Fed. Reg. 35721]. Telephone emergency access through a third party or a relay service won't satisfy the direct access requirement. Also, where 911 is available, the local government doesn't satisfy the direct access requirement if it provides a separate seven-digit number. Local governments must equip emergency systems with the necessary technology to promptly receive and respond to a call from users of TDDs and computer modems. The Justice Department also encourages the use of speech amplification devices on the handsets of the dispatchers' telephones.

Information and signs.

A local government must assure that the disabled can obtain information regarding the existence and location of accessible services, activities, and facilities. Signs at all inaccessible entrances must direct users to an accessible entrance or a location where information about accessible facilities can be obtained. The international symbol for accessibility must be used at each accessible entrance. Directional signs indicating the location of available TDDs should be placed adjacent to banks of public telephones that don't have a TDD [56 Fed. Reg. 35721].

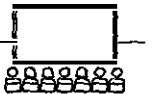
No qualified disabled person may be subjected to discrimination in employment under any program conducted under Title II.

Employment discrimination is prohibited under Title II as well as Title I [56 Fed. Reg. 35719]. Consistent with other provisions of Title II, the rules and case law of Section 504 apply to local government employment policies and practices. If the entity is under Title I, those provisions apply. However, if the entity doesn't fall under Title I because it has fewer than 15 employees or has until July 26, 1992, or July 26, 1994, to comply with Title I, then this section makes Section 504 applicable. It's recommended that all local governments comply with both the employment provisions of Titles I and II by January 26, 1992 [56 Fed. Reg. 35719].

TITLE II - PROGRAMS

You may not discriminate against a person or entity because of a known relationship or association with a disabled person.

Governments can't discriminate because of a person's or entity's known relationship or association with a disabled person. This isn't limited to a family relationship [56 Fed. Reg. 35719].



Example:

It would violate the ADA for a local government to refuse to allow a theater company to use a school auditorium on the grounds that the company had recently performed for an audience of individuals with HIV disease.

A local government can't place a surcharge on a particular disabled person, or on any group of disabled persons, to cover costs required to provide that person or group with the nondiscriminatory treatment required by the ADA.

The cost of compliance with the ADA can't be assessed against the disabled.

A local government can't place a surcharge on a particular disabled person, or on any group of disabled persons, to cover costs required to provide that person or group with the nondiscriminatory treatment required by the ADA [56 Fed. Reg. 35719]. This is consistent with a previous interpretation of Section 504.



Example:

Costs of interpreter services may not be assessed as an element of "court costs."

You may not discriminate on the basis of illegal drug use against a person who is not currently engaged in the illegal use of drugs and who has successfully completed a supervised drug rehabilitation program or who has otherwise been rehabilitated successfully; who is participating in a supervised drug rehabilitation program; or who is erroneously regarded as engaging in such use.

This requirement incorporates the provisions of Title I with respect to substance abuse discussed on pages 23 and 24. Under Title II, you can't deny health services, or services provided in connection with drug rehabilitation, to a current user if the person is otherwise entitled to such service.



Example:

A hospital or clinic that specializes in the care of burn victims can't refuse treatment on the grounds that the person is illegally using drugs. Regarding drug rehab programs, it's permissible to require abstinence from drugs as a condition for continued participation. A drug rehabilitation program may deny participation to persons who engage in illegal use of drugs while they are in the program [56 Fed. Reg. 35712].

Persons are protected from retaliation or coercion for taking an active role in ADA enforcement.

You may not discriminate against persons because they opposed any act or practice made unlawful by the ADA or because they made a charge, testified, assisted, or participated in an investigation, proceeding, or hearing under the ADA. The ADA prohibits you from coercing, intimidating, threatening, or interfering with anyone who helps another exercise rights protected by the ADA [56 Fed. Reg. 35712].

Additional provisions of Title II.

-  You may not aid or perpetuate discrimination against a disabled person by **providing significant assistance** to an agency, organization, or person that discriminates [56 Fed. Reg. 35718].
-  You may not deny a disabled person the opportunity to participate as a member of a planning or advisory board [56 Fed. Reg. 35718].
-  You may not use criteria or methods of administration (official written policies and actual practices) that deny disabled persons access to your programs or perpetuate the discrimination of another public entity — if your government and the other public entity are subject to common administrative control or are agencies of the same state.
-  You may not, in determining the site or location of a facility, make selections that would exclude disabled persons, deny them benefits, or otherwise subject them to discrimination, nor make selections that would defeat or substantially impair accomplishment of the program's objectives with respect to disabled persons. This is true for the process of selecting sites for construction of new facilities or selecting existing facilities to be used by the public, but doesn't apply to construction of additional buildings at an existing site [56 Fed. Reg. 35704; 35718].

TITLE II - PROGRAMS

 You may not use criteria that subject disabled persons to discrimination in the selection of procurement contractors [56 Fed. Reg. 35718].

 You can't discriminate against qualified disabled persons on the basis of the disability in the granting of licenses or certifications. A disabled person is qualified if the individual can meet the "essential eligibility requirements" for receiving the license or certification. This determination is based on the facts and circumstances of the particular case. It's not necessary to "lower or effect substantial modifications of standards to accommodate a handicapped person" [*Southeastern Community College v. Davis*, 442 U.S. 397 at 413]. The standards shouldn't discriminate against disabled persons in an impermissible manner [56 Fed. Reg. 35718; 35704].

 You must make reasonable modifications in policies, practices, and procedures where necessary to avoid discrimination on the basis of disabilities [56 Fed. Reg. 35718].

 You may not have eligibility criteria that screen out disabled persons from fully and equally enjoying any program, unless the criteria can be proven necessary. You may not unnecessarily impose requirements or burdens on disabled persons that aren't placed on others.



Example:

Requiring the presentation of a driver's license as the sole means of identification for purposes of paying a bill by check.

ENFORCEMENT AND REMEDIES.

The remedies, procedures, and rights under Title II are the same as those set forth in Title VII. Persons may file a complaint with a federal agency responsible for enforcing the particular aspect of a local government's program or file a lawsuit without resorting to their federal administrative remedies. This private suit may be filed at any time, even after a complaint is filed with the federal agency and before the administrative process is completed.

The complaint must be filed within 180 days of the alleged act of discrimination, unless there's an extension for good cause shown. For example, where the individual chooses to pursue the local government's grievance procedure, and a delay is caused as a result, there's good cause for failing to file with a federal agency within 180 days. A complaint is deemed filed when it's filed with any federal agency, regardless of whether that agency has the enforcement responsibilities for that local government program [56 Fed. Reg. 35721].

TITLE II - PROGRAMS

Along with a new branch in the civil rights division of the Justice Department, other federal departments are responsible for enforcing compliance in their respective areas [56 Fed. Reg. 35722]. For example, the Department of the Interior will enforce the ADA relative to parks and recreation programs, water and wastewater management, and environmental protection. The Department of Education will enforce ADA relative to elementary and secondary school programs. The Department of Labor will enforce programs and services relating to the work force. The Department of Justice will enforce activities relating to law enforcement; public safety; planning; local government support services such as audit, personnel, and comptroller; and all other government functions not assigned to other agencies.

Where the agency has jurisdiction by virtue of its provision of federal financial assistance to the program under Section 504, it must process the complaint under applicable Section 504 procedures. Where no federal funding is involved, and the federal agency has been designated as the responsible agency, the agency is to receive, investigate, and where possible resolve complaints under the procedures of the ADA. If the agency where the complaint is filed doesn't have jurisdiction, it's responsible for referring the complaint to an appropriate agency.

Complaints alleging employment discrimination will be handled by the EEOC, if the local governmental entity falls within Title I. The Justice Department and EEOC are to establish coordination regulations regarding employment complaints to reduce overlap and duplication of effort, where possible.

After investigation, the federal agency is required to attempt informal resolution. If that's not possible, the agency is to issue a Letter of Findings that includes: findings of fact and conclusions of law, a proposed remedy for each violation, and notice that a private suit may be filed [56 Fed. Reg. 35722]. At this point, the federal agency is required to negotiate voluntary compliance, which will culminate in a written agreement specifying the corrective action to be taken within a stated period of time. If the local government declines to enter into the agreement, the complaint is referred to the Justice Department.

Generally, the prevailing party may be granted reasonable attorney's fees, including litigation expenses, and costs. Litigation expenses include, for example, expert witness fees and travel expenses.

Under Title II, the Justice Department may file suit in federal court for damages and equitable relief. The ADA specifically waives 11th amendment immunity for suits against states and government entities. This is a departure from Section 504 of the Rehabilitation Act, which can't be enforced against states [*Scanlon v. Atascadero State Hospital*, 473 U.S. 234 (1985)].

Generally, the prevailing party may be granted reasonable attorney's fees, including litigation expenses, and costs.

FOR MORE INFORMATION ABOUT TITLE II.

The Department of Justice issued a technical assistance manual in January 1992 further interpreting Title II. You are encouraged to obtain a copy by calling the DOJ hotline number listed below.

U.S. Department of Justice
Civil Rights Division
Coordination and Review Section
P.O. Box 66118
Washington, D.C. 20035-6118
(202) 514-0301 (Voice)
(202) 514-0381 (TDD)
(202) 514-0383 (TDD)

About transportation provisions:
Department of Transportation
400 Seventh Street SW
Washington, D.C. 20590
(202) 366-9305
(202) 755-7687 (TDD)

For information about accessible design in new construction and alterations:

Architectural and Transportation Barriers Compliance Board
1111 18th Street NW
Suite 501
Washington, D.C. 20036
800-USA-ABLE
800-USA-ABLE (TDD)

For more information about telecommunications provisions:

Federal Communications Commission
1919 M Street NW
Washington, D.C. 20554
(202) 634-1837
(202) 632-1836

ATTACHMENT 1

**Suggested Self-Evaluation Plan
for
Tennessee Local Governments***

Identify each program, service, or activity. Answer these questions for each program, service, or activity that your local government provides. Then, do the "analysis" section following the questions.

A small local government may want to complete this questionnaire for each department (such as police or sheriff, administration, city recorder or court clerk), while a larger local government might answer a questionnaire for each division within departments (such as patrol, investigation, and records within the police or sheriff's department).

Your Department/Division: _____

Program, service, or activity being evaluated: _____

1. Is the public aware of the program, service, or activity?

☐ Yes Document how you're making the public, including the disabled, aware of your services: _____

☐ No Develop methods of ensuring the public is aware of your services; below are suggestions. You should list these or other methods in the non-structural changes inventory and have them in place by Jan. 26, 1992.

Methods used to make the public aware of the service:

- ☐ a. Telephone book
- ☐ b. Brochures
- ☐ c. Community relations program
- ☐ d. Radio or TV spots
- ☐ e. Standard announcement for all communications
- ☐ f. School programs
- ☐ g. Public relations training
- ☐ h. Organization communications and participation in civic clubs, disabled groups, etc.
- ☐ i. Other methods _____

Notes: _____

Communications with applicants, participants, and members of the public with disabilities should be as effective as communications with others.

* State law may impose additional requirements; this plan is designed to assist in compliance with the ADA. All public entities must complete a self-evaluation plan. Public entities with 50 or more employees must retain the plan for three years.

ATTACHMENT 1

2. Is the department/division responsible or potentially responsible for this program, service, or activity aware of its participants who may be disabled?

☐ Yes

☐ No *Methods should be developed by Jan. 26, 1992, to ensure that personnel are properly educated about the disabled public they serve. List in non-structural changes list.*

What does the department/division or the local government do to ensure the respective departments are aware of the different categories of disabled citizens in the community?

☐ a. Surveys

☐ b. Bureau of Census data analysis

☐ c. Contact with organizations for the disabled

☐ d. School programs

☐ e. Other efforts? _____

Notes: _____

- 3a. Are the public buildings, offices, and recreational or other facilities in which the program, service, or activity is offered physically accessible to the disabled? Are local governmental programs and services fully accessible?

☐ Yes

☐ No

List obstacles to access: _____

What methods are employed to provide accessibility?

☐ a. Ramps ☐ g. Windows

☐ b. Elevators ☐ h. Entrances

☐ c. Restrooms ☐ i. Handrails

☐ d. Parking ☐ j. Grab Bars

☐ e. Counters ☐ k. Signs

☐ f. Doors ☐ l. Other _____

Are signs at all inaccessible entrances to each facility, directing users to an accessible entrance or to a location at which they can obtain information about accessible facilities? Are accessible entrances identified with the international symbol for accessibility?

☐ Yes

☐ No *Identify locations requiring new signs:* _____

ATTACHMENT 1

What further steps are needed to make this facility accessible? _____

What is your policy/procedure to ensure that accessible features are maintained? _____

Structural changes should be included in the transition plan.

3b. Have public telephones been made accessible or signs been placed at public telephones indicating accessible telephones and available TDDs?

☐ Yes

☐ No *Identify steps to be taken:* _____

3c. Are public meetings held by your department/division in locations that ensure accessibility to persons with mobility impairments?

☐ Yes

☐ No *List steps taken to ensure accessibility for persons with mobility impairments, including notice provisions and alternative locations:*

3d. Are your department's/division's programs, services, and activities fully accessible?

☐ Yes

☐ No

What further steps are needed to make your program, service, or activity accessible?

3e. Are there eligibility requirements or policies that could be discriminatory?

☐ Yes

☐ No

What modifications to your requirements or policies need to be made to ensure program accessibility? _____

ATTACHMENT 1

If a policy or requirement is exclusionary and you don't intend to modify it, what is your justification? _____

This question is the heart of the self-evaluation plan. All non-structural changes necessary to make all activities, programs, and services accessible must be made by Jan. 26, 1992. Structural changes necessary to comply with the ADA must be identified in a transition plan, which must be in writing if the local government has 50 or more employees (government-wide, counting all full- and part-time employees). See Attachment 2 to determine what you must do to develop a transition plan.

The ADA provides the local government with a choice of two architectural standards: the ADAAG or the UFAS. All structural changes must be completed by Jan. 26, 1995, and should be scheduled over the three-year period in the transition plan.

4. What special programs do you have in place for the disabled? _____

5. Have disabled citizens used the department's/division's services in the past?
___ Yes *Explain. Documenting use by persons with disabilities will be proof that your services, activities, programs, and facilities are in compliance:* _____

___ No

Have there been obvious problems or complaints from disabled citizens about a particular program, service, or activity?

___ No

___ Yes *List complaints (structural and non-structural):* _____

What responses have you made to deal with specific complaints or problems? _____

6. What businesses or persons contracting with or associated with the local government are providing or have inaccessible programs, services, or facilities? _____

ATTACHMENT 1

Agencies associated with or persons under contract with a local government, such as libraries or consultants, should be investigated to determine whether barriers exist regarding the programs or services they offer or the facilities they operate. The local government should identify barriers and methods of providing accessibility.

Notes: _____

7. Do you provide public services/programs in buildings that you're leasing?

☐ Yes

Are there barriers to access? ☐ Yes

☐ No

☐ No

Notes: _____

8. Do you lease space to private entities that may be covered under Title II of the ADA?

☐ Yes

Have they been made aware of the requirements of the ADA?

☐ Yes

☐ No

☐ No

Notes: _____

9. What is your method for securing reasonable accommodations, particularly auxiliary aids and devices, when needed? _____

What is your policy for ensuring these aids and devices are properly maintained? _____

10. What is your policy for evacuating individuals with disabilities during an emergency? _____

ATTACHMENT 1

Have visual and audible warning signs been installed?

☐ Yes

☐ No

11. Have you reviewed your existing audio and written materials to make sure individuals with disabilities aren't portrayed in an offensive and demeaning manner?

☐ Yes

☐ No

12. What is your method of determining that a particular accommodation results in a fundamental alteration of the program or activity or creates an undue hardship? _____

Will this determination be made expeditiously?

☐ Yes

☐ No

13. Are your building and construction officials aware that new construction or alterations of existing facilities and a path of travel must meet the architectural standards of the ADA (either UFAS or ADAAG)?

☐ Yes

☐ No

14. Is your department/division providing emergency services?

☐ Yes *Then you must ensure that direct access for persons who use TDDs and computer modems is provided.*

Explain how this is accomplished: _____

☐ No

15. Does your department/division operate historic preservation programs?

☐ Yes *Then explain how your policies give priority to methods that provide access to individuals with disabilities:* _____

☐ No

Note: Your personnel policies and practices should be reviewed to ensure ADA compliance.

ATTACHMENT 2**Transition Plan**

Name of person completing this plan: _____

Name and address of facility: _____

For this facility, list obstacles to access.

- 1.
- 2.
- 3.
- 4.
- 5.

For this facility, list structural changes necessary to achieve accessibility by disabled citizens, including, but not limited to: wheelchair ramps; enlarged doorways and entrances; rails, full-length mirrors, raised toilet seats, increased space, and accessibility of items such as soap dispensers in restrooms; designated parking; vehicle hand controls; curb cuts in sidewalks and entrances; repositioned shelves; accessible vending machines and storage racks; lowered water fountains; and TDDs.

- 1.
- 2.
- 3.
- 4.
- 5.

List the completion date for each change (no later than January 26, 1995).

- 1.
- 2.
- 3.
- 4.
- 5.

ATTACHMENT 2

List the cost of accomplishing each change.

- 1.
- 2.
- 3.
- 4.
- 5.

Schedule for curb and sidewalk modifications.

Location	Date of Completion
1.	
2.	
3.	
4.	
5.	

List the persons or organizations for the disabled contacted.

Name	Address	Date Consulted
1.		
2.		
3.		

This list must be kept on file and available for public inspection for three years.

(No later than January 26, 1992)

Service/ Activity/Function	Change	Date to be Completed
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		
16.		
17.		
18.		
19.		
20.		

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Suggested Grievance Procedure

1. Submit complaints regarding access or discrimination in writing to the designated official (such as the city manager, city recorder, or county executive) for resolution. A record of the complaints and action taken will be maintained. A decision by the designated official will be rendered within 10 working days.
2. If the complaint can't be resolved to your satisfaction by the designated official, it will be forwarded to the Disabled Resident Access Committee composed of representatives from the following groups in the community: the elected body, the disabled, at-large representation (for example, local business, education, or religious groups), and health/medical representation. The committee will be appointed by the governing body.
3. The committee should be charged by the elected body to establish ground rules or procedures for hearing complaints, requests, or suggestions from disabled persons regarding access to and participation in public facilities, services, activities, and functions in the community. Further, the committee should be directed to hear such complaints in public, after adequate public notice, in an unbiased, objective manner, and to make a written decision within 30 days of notification. Proceedings of the committee should be recorded and maintained.
4. If the complaint can't be resolved to your satisfaction by the committee, the complaint will be heard by the governing body and discussed at an open, public meeting of the elected body. A determination must be made within 30 days. The decision of the governing body is final.
5. A record of action taken on each request or complaint must be maintained as a part of the records or minutes at each level of the grievance process.
6. Your right to a prompt and equitable resolution of the complaint must not be impaired by your pursuit of other remedies, such as the filing of a complaint with the Department of Justice or other appropriate federal agency, or the filing of a suit in state or federal court. Use of this grievance procedure isn't a prerequisite to the pursuit of other remedies.

ATTACHMENT 5

Supplemental Structural Change Information

In your evaluation of structural changes, you may want to be aware of some of the following items:

1. Tennessee law requires that a city must install ramps at crosswalks, in business and residential areas, when streets, sidewalks, and/or curbs/gutters are being constructed or improved (*Tennessee Code Annotated* § 7-31-114).
2. New public buildings, including those constructed by local governments, must comply with certain handicapped access construction requirements as set forth in Tennessee law (*T.C.A.* § 68-18-203—68-18-205).
3. A sidewalk maintenance program is of vital importance to ensure surfaces are usable by wheelchair-bound citizens. Many local governments neglect maintenance of sidewalks, not only rendering them unusable by disabled residents, but also creating an unnecessary liability.
4. Local governments operating "Walk/Don't Walk" signals at pedestrian sidewalks should consider the use of audible signals for blind individuals.
5. Some local governments provide on-street handicapped parking spaces.

Outline for Job Description Development

Job Title
(place the title of the position here)

Definition

This section should contain a brief description of the position, the level and/or type of supervision received by the employee, an identification of who the employee is responsible to, and the type and/or level of independent judgement used by the employee when performing tasks.

Equipment/Job Location

This section should describe the type of equipment used by the employee, the location and environment in which the job is usually undertaken, and any special environmental conditions or physical requirements the employee may encounter.

Essential Functions of the Job

This section should identify “essential functions” of the job — basic duties for which the job was created which can’t normally be transferred to another position without disruption in the flow or process of work.

Additional Examples of Work Performed

Here you may want to list duties that aren’t “essential functions” but are typically undertaken or expected of the employee.

Required Knowledge and Abilities

List the basic knowledge and abilities the employee will need to adequately perform the job. The items in this section should be broad.

Qualifications

Here, list the basic qualifications every employee in this position must have to be considered for employment.

Organizations for Disabled Citizens

IN-STATE RESOURCES:

ARC

Roger Blue, Executive Director
1805 Hayes Street, Suite 100
Nashville, TN 37203
(615) 327-0294

Region 1

(Carter, Greene, Hancock, Hawkins, Johnson,
Sullivan, Unicoi, Washington)

Katie Powers, Executive Director
3119 Bristol Hwy., North Ridge Center
Johnson City, TN 37601
(615) 282-6101

Region 2

(Anderson, Blount, Campbell, Claiborne, Cocke,
Grainger, Hamblen, Jefferson, Knox, Loudon,
Monroe, Morgan, Roane, Scott, Sevier, Union)

Billie Fain, Executive Director
Box 4823
Oak Ridge, TN 37831-4823
(615) 457-8080

Region 3

(Cannon, Clay, Cumberland, DeKalb, Jackson,
Macon, Overton, Pickett, Smith, Van Buren,
Warren)

Mary Yates, Executive Secretary
P.O. Box 389
Crossville, TN 38555
(615) 456-0206

Region 4

(Bledsoe, Bradley, Grundy, Hamilton, McMinn,
Marion, Meigs, Polk, Rhea, Sequatchie)

Joan Friar, Executive Director
109 N. Germantown Road
Chattanooga, TN 37411
(615) 624-6887

Region 5

(Cheatham, Davidson, Dickson, Houston,
Humphreys, Montgomery, Robertson, Ruther-
ford, Stewart, Sumner, Williamson, Wilson)

Norman Tenebaum, Executive Director
2416 21st Avenue South
Nashville, TN 37212
(615) 297-8525

Region 6

(Bedford, Coffee, Crockett, Franklin, Giles,
Hickman, Lawrence, Lewis, Lincoln, Mar-
shall, Maury, Moore, Perry, Wayne)

Pam Beasley, President
905 Camellia Drive
Columbia, TN 38401
(615) 388-5682

Region 7

(Benton, Carroll, Crockett, Dyer, Gibson,
Henry, Lake, Obion, Weakley)

Vickki Mansfield, President
220 South McComb St., Apt. 2
Martin, TN 38237
(901) 885-5323

Region 8

(Chester, Decatur, Fayette, Hardeman, Har-
din, Haywood, Henderson, Lauderdale,
McNairy, Madison, Shelby, Tipton)

Shannon Buchanan, Jr., President
217 E. Market Street
Bolivar, TN 38008
(901) 658-4403

Association for Handicapped Citizens
231 Riverwood Drive
Hendersonville, TN 37075

ATTACHMENT 7

Autism Society of America/Tennessee
607 Davidson Road
Nashville, TN 37205
(615) 352-5987

Coalition for Tennesseans with Disabilities
2416 21st Avenue South
Nashville, TN 37212
(615) 297-3819

Community Mental Retardation Agencies
530 Church Street, #504
Nashville, TN 37219
(615) 254-3077

Council of Community Services
2012 21st Avenue South
Nashville, TN 37212-4313
(615) 385-2221

**Developmental Disabilities
Planning Council**
706 Church Street
Nashville, TN 37234
(615) 741-3805

Downs Syndrome Association of Memphis
4646 Poplar, Suite 213B
Memphis, TN 38117

Downs Parents Association
P.O. Box 120832
Nashville, TN 37212
(615) 373-2106

East Tennessee Technology Access Center
5719 Kingston Pike
Knoxville, TN 37919
(615) 584-4465

Easter Seals Society, Inc.
2135 Blakemore Avenue
P.O. Box 121998
Nashville, TN 37212
(615) 292-6639

Epilepsy Foundation of Middle Tennessee
2200 21st Avenue South, Room 305
Nashville, TN 37212
(615) 269-7091

**Governor's Commission on Employment
of People with Disabilities**
Patsy Mathews, Assistant Commissioner
TN Department of Education,
Div. of Special Education
400 Deaderick Street, Suite 1100
Nashville, TN 37219
(615) 741-2030

League for the Hearing Impaired
Mary McKinney
1810 Edgehill Avenue
Nashville, TN 37212
(615) 320-7347

Learning Disabilities Association
P.O. Box 281028
Memphis, TN 38128
(901) 323-1430

**Memphis Area Chapter,
National Hemophilia Society**
499 South Patterson
Memphis, TN 38111
(901) 458-6727

Memphis Center for Independent Living
163 North Angelus
Memphis, TN 38104
(901) 458-6727

Mental Health Association of Tennessee
2400 Crestmoor Road, Suite 333
Nashville, TN 37215
(615) 269-5355

Mental Health Consumer's Association
Dubose Conference Center
Monteagle, TN 37356
1-800-242-4113

ATTACHMENT 7

**Middle TN Assoc. for Persons
with Severe Handicaps (TASH)**
P.O. Box 120132
Acklen Station
Nashville, TN 37212
(615) 383-7307

MTASH
LaWanna Edwards
530 Church Street, Suite 504
Nashville, TN 37219
(615) 254-3077

Multiple Sclerosis Society
2200 21st Avenue South
Nashville, TN 37212

Muscular Dystrophy Association
100 Oaks Office Tower
Nashville, TN 37204
(615) 292-2255

National Federation of the Blind
1407-A Boyd Street
Chattanooga, TN 37412
(615) 629-5567

PARENTS
Joyce Marshall
2017 McClain Drive
Knoxville, TN 37912
(615) 687-5090

People First of Tennessee
P.O. Box 121211
Nashville, TN 37919
(615) 297-2734

Re-Birth (head injury)
P.O. Box 120786
Nashville, TN 37212-0786
(615) 383-1125

Spina Bifida Association of East Tennessee
11540 Gates Mill Drive
Knoxville, TN 37922

**Spina Bifida Hydrocephalus Assoc.
of Middle Tennessee**
P.O. Box 23056
Nashville, TN 37202
(615) 228-0082

**S.T.E.P. - Support and Training
for Exceptional Parents**
1805 Hayes Street, Suite 100
Nashville, TN 37203
1-800-280-STEP or (615) 327-0294

TAAMR
John Craven
Greene Valley OCS
5908 Lyons View Drive
Knoxville, TN 37919
(615) 588-0508

TAASE & TN. Federation CEC
Sam Dempsey
1604 18th Ave. S., Apt. D
Nashville, TN 37212
(615) 297-5184

**Technology Access Center
of Middle Tennessee**
2222 Metro Center Blvd., Room 110
Nashville, TN 37228
(615) 248-6733

Tennessee Alliance for the Mentally Ill
1900 Winston Road, Suite 502
Knoxville, TN 37919
(615) 531-8264

**Tennessee Association for
Deaf/Blind/Multiply Handicapped**
Mary Gregson
1211 21st Avenue South, Suite 102
Nashville, TN 37212
(615) 327-9691

ATTACHMENT 7

**Tennessee Association for Parents
of the Visually Impaired**
557 Old Lebanon Road
Hermitage, TN 37076
(615) 889-4812

**Tennessee Association for the
Visually Impaired**
1639 Dunraven
Knoxville, TN 37920
(615) 691-4179

Tennessee Commission on Children & Youth
1510 Parkway Towers
404 James Robertson Pkwy.
Nashville, TN 37219
(615) 741-2633

Tennessee Council for the Hearing Impaired
400 Deaderick Street, Suite 1100
Nashville, TN 37219
(615) 741-5644

**Tennessee Dept. of Education,
Division of Special Programs**
Joe Fisher, Assistant Commissioner
132 Cordell Hull Building
Nashville, TN 37219
(615) 741-2851

East Tennessee/Southeast Tennessee
Marie Ottinger
State Office Building, Fifth Floor
531 Henley Street
Knoxville, TN 37902
(615) 673-6044

First Tennessee
Linda Hollifield
1110 Seminole Drive
Johnson City, TN 37601
(615) 926-1108

South Central/Mid Cumberland
Bob Tipps
132 Cordell Hull Building
Nashville, TN 37219
(615) 741-2851

Southwest Tennessee/Northwest Tennessee
Larry Greer
59 Conrad Drive, Suite 100
Jackson, TN 38305
(901) 423-5605

Upper Cumberland
Mildred Burchett
Tennessee Technological University
1221 S. Willow Avenue
Cookeville, TN 38501
(615) 432-4048

**Tennessee Division for Early Childhood of the
Council for Exceptional Children**
Susie McCamy
2725 Island Home Boulevard
Knoxville, TN 37290
(615) 579-2456

Tennessee Early Intervention System
1-800-852-7157

Tennessee Head Injury Association
Patricia Neal Rehabilitation Center
1901 Clinch Avenue
Knoxville, TN 37916
(615) 541-1301

Tennessee Infant Parent Service (TIPS)
(Hearing Impairments)
2725 Island Home Boulevard
Knoxville, TN 37920
(615) 579-2456

ATTACHMENT 7

**Tennessee Library Service for the
Blind and Physically Handicapped**
The Library of Congress
729 Church Street
Nashville, TN 37219

Tennessee Protection and Advocacy Inc.
Knoxville: 101 Plaza Building
2200 Sutherland Avenue
Knoxville, TN 37919
(615) 971-4183

Nashville: 2416 21st Avenue South
P.O. Box 121257
Nashville, TN 37212
1-800-342-1660 or (615) 298-1080

Memphis: 3637 Park Avenue, Suite 110
Memphis, TN 38111
1-800-392-0265 or (901) 458-6013

Tennessee Society for Autistic Children
2001 Woodmont Boulevard
Nashville, TN 37215
(615) 292-6639

**Tennessee Speech Language
Hearing Association**
P.O. Box 12155
Nashville, TN 37212
(615) 327-5325

The Mayor's Office for Handicapped Services
Information and Referral Office
700 2nd Avenue South, G-52
Nashville, TN 37210
615/862-6492

Trac and Trail Independent Living Center
1090 Chamberlain Avenue
Chattanooga, TN 37404
(615) 622-2172

United Cerebral Palsy, Middle Tennessee
2014 Broad, #345
Nashville, TN 37203
(615) 327-0073

United Cerebral Palsy of the Mid-South
2670 Union Ext., Suite 914
Memphis, TN 38112
(901) 323-0190

**Visions (preschool children
with visual impairments)**
115 Stewarts Ferry Pike
Donelson, TN 37214
(615) 883-7964

West Tennessee Technology Access Center
401 Maple Street
P.O. Box 3683
Jackson, TN 38303
(901) 424-9089

OUT-OF-STATE RESOURCES:

Accent on Information
P.O. Box 700
Bloomington, IL 61702
(309) 378-2961

American Federation for the Blind
15 W. 16th Street
New York, NY 10011
1-800-232-5463 or (212) 620-2147

Autism Society of America
8601 Georgia Ave., Suite 503
Silver Springs, MD 20910
(301) 565-0433

**Children With Attention Deficit Disorders
(CHADD)**
1859 N. Pine Island Road
Plantation, FL 33322
(305) 587-3700

ATTACHMENT 7

Children's Defense Fund
122 C Street, N.W., Suite 400
Washington, D.C. 20001
(202) 628-8787

Council for Exceptional Children
1920 Association Drive
Reston, VA 22019
(703) 620-3660

**Federation of Families for
Children's Mental Health**
National Mental Health Association
1021 Prince Street
Alexandria, VA 22314
(703) 684-7722

Human Resources Center
Dr. Edwin Martin
I. U. Willets Road
Albertson, NY 11507
(516) 747-5400

**Information Center for
Individuals with Disabilities**
27-43 Wormwood Street
Boston, MA 02210-1606
(617) 727-5540

Just One Break (JOB, Inc.)
Mikki Lam, Executive Director
373 Park Avenue South
New York, NY 10016
(212) 725-2500

Learning Disabilities Association
4156 Library Road
Pittsburgh, PA 15234
(412) 341-1515 or (412) 341-8077

Muscular Dystrophy Association
810 Seventh Avenue
New York, NY 10019
(212) 586-0808

National Association for the Deaf (NAD)
814 Thayer Avenue
Silver Springs, MD 20910
(301) 587-1788 (voice/TDD)

National Autism Hotline/Autism Services Center
Douglass Education Building
10th Avenue and Bruce Street
Huntington, W. VA 25701
(304) 525-8014

National Downs Syndrome Congress
1800 Dempster Street
Park Ridge, IL 60068
1-800-232-6372 or (312) 823-7550

National Easter Seal Society
James E. Williams, President
70 East Lake Street
Chicago, IL 60601
(312) 726-6200

**National Information Center Handicapped
Children and Youth with Disabilities (NICHCY)**
Carol Valdivieso
P.O. Box 1492
Washington, D.C. 20013
1-800-999-5599 or (703) 893-6061

National Information Center on Deafness
Gallaudet University
800 Florida Ave., N.E.
Washington, D.C. 20002
(202) 651-5051 (voice) or (202) 651-5052 (TDD)

Special Olympics
Douglas Single, President
1350 New York Avenue N.W., Suite 500
Washington, D.C. 20005
(202) 628-3630

United Cerebral Palsy
7 Penn Plaza, Suite 804
New York, NY 10001
1-800-USA-1UCP or (212) 268-6655
(717) 293-1594 for materials



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Inquiries concerning Title IX, Section 504, and the Americans With Disabilities Act of 1990 should be directed to Gary W. Baskette, director of business services, 109 Student Services and Administration Building, Knoxville Tennessee 37996-0212, (615) 974-6622. Charges of violation of the above policy should also be directed to Mr. Baskette.

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