



PARTICIPANT GUIDE

ADA COORDINATOR BASICS

JULY 2013 (*DECEMBER 2013 UPDATES*)

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AUXILIARY AIDS AND SERVICES ARE AVAILABLE UPON REQUEST TO INDIVIDUALS WITH DISABILITIES. FOR ALTERNATE FORMATS OF THIS GUIDE, PLEASE CONTACT THE STATE ADA COORDINATOR AT (907) 465-6929.

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Notes



Module II: Etiquette

Effective Interaction: Communicating with and About People with Disabilities

Etiquette Survey and Key

A key to any effective communication is to focus on the communication itself — what information needs to be transmitted and how best to transmit it.

- *Effective Interaction, ODEP*

Photo: U.S. Department of Justice, ADA: Know Your Rights, Returning Service Members with Disabilities

Effective Interaction: Communicating With and About People with Disabilities in the Workplace

Source: *Office of Disability Employment Policy, U.S. Department of Labor.*

As children, we are curious — pointing to anything unfamiliar and asking questions. We have few, if any, inhibitions. As adults, we learn to censor our queries, feeling uncomfortable with anything unfamiliar. This is true when we are faced with new technologies. It is true when we are faced with tackling new projects for which we may not feel prepared. It is often true when we meet people who speak a different language or come from a different culture.

It is human nature and not unusual, therefore, to be concerned about interactions with people who use wheelchairs, who are blind, who are deaf, or whom we find difficult to understand. We may be concerned that we will say the wrong thing, ask an inappropriate question, or unintentionally offend. We do not want to appear uninformed or insensitive.

Tips for Speaking or Writing about People with Disabilities

A key to any effective communication is to focus on the communication itself — what information needs to be transmitted and how best to transmit it. Positive language empowers. When writing or speaking about people with disabilities, it is important to put the person first — to focus on the person, not the disability. Group designations, such as "the blind," "the deaf" or "the disabled" are not empowering. It is important to use words that reflect individuality, equality or dignity — the person who is blind, the child who is deaf, the individual with a disability, for example.

Following are examples of appropriate and inappropriate phrases:

Positive Phrases

Person with an intellectual, cognitive, developmental disability
Person who is blind or visually impaired
Person with a disability
Person who is deaf or hard of hearing
Person with multiple sclerosis
Person with cerebral palsy
Person with epilepsy or a seizure disorder
Person who has muscular dystrophy
Person who uses a wheelchair; wheelchair user
Person who is unable to speak, person who uses synthetic speech
Person with a psychiatric disability
Person with a physical disability, person who is physically disabled
Person who is successful, productive

Negative Phrases

The retarded; mentally retarded
The blind
The disabled; handicapped
The deaf; deaf and dumb
Someone afflicted by MS
A CP victim
An epileptic; person with fits
Someone stricken by MD
Person confined, bound or restricted to a wheelchair
A mute
A crazy person
Person who is crippled, lame or deformed
Person who has overcome his/her disability; person who is courageous

Tips for Interacting with People with Disabilities

Appropriate etiquette when interacting with people with disabilities is based primarily on respect and courtesy. Below are a few tips to help you communicate effectively. (Emphasis added.)

1. When speaking with a person with a disability, **talk directly to the person**, not his or her companion. This applies whether the person has a mobility impairment, a speech impairment, a cognitive impairment, is blind or deaf and uses an interpreter.
2. Extend common courtesies to people with disabilities. **Extend your hand** to shake hands or hand over business cards. If the individual cannot shake your hand or grasp the card, he or she will tell you, and direct where you may place the card.
3. If the person has a speech impairment and you are having difficulty understanding what he or she is saying, **ask the individual to repeat**, rather than pretending to understand. Listen carefully, and repeat back what you think you heard to ensure effective communication.
4. If you believe that an individual with a disability needs assistance, go ahead and offer the assistance — but **wait for your offer to be accepted** before you try to help.
5. If you are interviewing a job candidate with a disability, listen to what the individual has to offer. **Do not make assumptions** about what that person can or cannot do.
6. If you are speaking to a person who is blind, be sure to **identify yourself** at the beginning of the conversation and **announce when you are leaving**. Don't be afraid to **use common expressions** that refer to sight, such as, "See you later."
7. If you wish to get the attention of a person who is deaf, **tap the person** gently on the shoulder or arm. Look directly at the person, and speak clearly in a **normal tone** of voice. Keep your hands away from your face, and use **short, simple sentences**. If the person uses a sign language interpreter, **speak directly to the person**, not to the interpreter.
8. If you encounter an individual with a service animal, such as a dog, please **do not touch or distract the animal**. Service animals are working, and it breaks their training to interact with others when they are on duty. When the animal is not working, some owners may allow interaction.
9. If you are having a conversation with a person who uses a wheelchair, if at all **possible put yourself at the person's eye level**. **Never lean on or touch a person's wheelchair** or any other assistive device. A person's assistive device is part of the **person's personal space**, and it is jarring or disturbing for anyone to have his or personal space invaded.
10. If you are speaking with an individual with a cognitive disability, you may need to **repeat or rephrase what you say**. If you are giving instructions on how to perform a task, you may also need to give the instructions in writing.
11. Relax. Whether conducting an interview or day-to-day workplace communications, focus on the subject matter and not on disability related issues. Treat the individual with the **same respect and courtesy** that you extend to all job candidates and employees. Any initial concerns will quickly disappear as you focus on effective communications.

References:

["Guidelines for Reporting and Writing About People with Disabilities,"](#) produced by the Research and Training Center on Independent Living, University of Kansas.

"Ten Commandments of Etiquette for Communicating with People with Disabilities," October 1995, National Center for Access Unlimited, Chicago, IL.



Disability Language and Etiquette Survey

1. The following phrases have been used to refer to people with disabilities. Please indicate whether you consider each phrase as "A" generally acceptable or "U" unacceptable:

- A. the disabled
- B. wheelchair bound
- C. person who is blind
- D. crazy person
- E. dwarf

- F. person with a disability
- G. mentally retarded
- H. deaf and dumb
- I. person with a non-apparent disability
- J. crippled child

2. Place a check by the terms that you recognize. Discuss the meaning of each.

- A. Blind as a bat
- B. A lame excuse
- C. What a spazz
- D. That's retarded

- E. Funny as a rubber crutch
- F. In the kingdom of the blind, the one-eyed man is king
- G. Stone deaf

3. When speaking to a person who has a disability, it is acceptable to use words that reference their disability. For example:

- Asking a person who is blind, "Do you see my point?"
- Asking a person who is deaf, "Did you hear about Paul's promotion?"
- Asking a person who uses a wheelchair, "Would you like to go for a walk?"

True False

4. When holding a face-to-face conversation with someone who is using a wheelchair, you should:

- A. Find a chair and sit down so you are both on the same level.
- B. Step back so he/she can see you more comfortably.
- C. Avoid leaning on or touching the wheelchair.
- D. All of the above.

5. If someone is using a sign language interpreter, it is proper to address questions and responses to the interpreter so he/she can relay the message to the person who is deaf.

True False

6. In general, when a person who is deaf or hard of hearing indicates that he/she does not understand what you have said, you should:

- A. Repeat the statement.
- B. Repeat the statement in a louder voice.
- C. Repeat the statement more slowly.
- D. Rephrase the statement.

7. Persons who are blind generally have exceptional skill in recognizing other people's voices.

True False

8. When guiding a person who is blind, it is important to keep a firm grip on their arm in order to navigate them.

True False

9. Under what circumstances is it permissible to interact with the service animal of a person who is blind?

10. When listening to a person who has speech that is difficult to understand, a person should:

- A. Say he/she doesn't understand.
- B. Pretend to understand to avoid embarrassment.
- C. Try to end the conversation quickly.
- D. Request that the person draw a picture.

11. Most people with intellectual disabilities remain childlike and need supervision much of the time.

True False

12. If a person is having a seizure, you should gently place something soft in her mouth to prevent her from swallowing her tongue.

True False

13. People with mental illness are oftentimes a danger to themselves and others.

True False

14. When meeting a person who has an upper mobility impairment (e.g., has a missing or artificial hand or is unable to raise their arm), it is proper etiquette to:

- A. Wait for the person to offer to shake your hand.
- B. Offer your left hand.
- C. Offer your right hand as you would with anyone.
- D. Wait for the person to initiate contact.

For more information about Disability Language and Etiquette, to request permission to use this survey or to request training, contact the Northwest ADA Center (DBTAC).



Phone: 800-949-4232

Website: www.dbtacnorthwest.org

Email: jof@u.washington.edu

Disability Language and Etiquette Survey

Answer Key

1. The terms “the disabled” and “persons with a disability” are roughly equivalent.

True False

Discussion: Positive language empowers. Group designations such as *the blind*, *the deaf*, or *the disabled* are inappropriate because they do not reflect the individuality, equality, or dignity of people with disabilities.

2. When speaking to a person who has a disability, it is acceptable to use words that reference their disability. For example:

- Asking a person who is blind, “Do you see my point?”
- Asking a person who is deaf, “Did you hear about Paul’s promotion?”
- Asking a person who uses a wheelchair, “Would you like to go for a walk?”

True False

Discussion: These are common references and descriptors that are interchangeable and not offensive. However, if someone with a disability does take offense, avoid these references in order to be respectful.

3. The following phrases have been used to refer to people with disabilities. Please indicate whether you consider each phrase as “A” generally acceptable or “U” unacceptable:

- A. dwarf
- B. mentally retarded
- C. wheelchair user
- D. the blind

- E. person with a non-apparent disability
- F. person who is blind
- G. deaf and dumb
- H. person of short stature

Discussion: Words are powerful. Old and inaccurate descriptors, and the inappropriate *use* of these descriptors, perpetuate negative stereotypes and reinforce an incredibly powerful attitudinal barrier. *And this invisible, but potent, attitudinal barrier is the greatest obstacle facing individuals who have disability diagnoses.* When we describe people by their medical diagnoses, we devalue and disrespect them as individuals. *Do you want to be known primarily by your psoriasis, diabetes, asthma, etc.?*

Using the references, “person with,” or “person who experiences” (pick a condition) are much stronger validations of one’s personhood and humanity. In the long run, it is your own substantive uniqueness that deals with the challenges that life presents, i.e., blindness, short stature, etc. Putting the emphasis on the *person first* reduces the emotional pain of having to internalize misinformation about who you are. For example, what expectations do you have from a handicapped person versus a person with a disability? If we have to internalize false references

about ourselves, we eventually rebel against the mis-statements about our human dignity, or we give into them, living a life of limited options and limited possibilities.

Challenge yourself to not add to the struggle of dealing rightly with disability, by using expressions that are built on respect and belief in the human spirit. Even if you don't mean it negatively, every brick in a wagon adds weight. Look to use words for affirmation that support our dignity and play to our strengths.

4. Place a check by the terms that you recognize. Discuss the meaning of each.

- _____ A. Blind as a bat
- _____ B. A lame excuse
- _____ C. The blind leading the blind
- _____ D. Stone deaf
- _____ E. What a spazz
- _____ F. That's retarded

- _____ G. Not playing with a full deck
- _____ H. Funny as a rubber crutch
- _____ I. A cripple (as in sports)
- _____ J. Lame duck president
- _____ K. In the kingdom of the blind, the one-eyed man is king

Discussion:

- B. A lame excuse & J. Lame duck president.** *Definition - lame (adjective):* 1) Crippled or physically disabled, esp. in the foot or leg so as to limp or walk with difficulty; 2) Impaired or disabled through a defect or injury: *a lame arm*; 3) Weak, inadequate, clumsy: *a lame excuse*; 4) *Slang* - out of touch with modern fads or trends, unsophisticated. *Definition - lame (verb):* 1) To make lame or defective. *Definition - lame (noun):* 1) *Slang* – a person who is out of touch with modern fads or trends, esp. one who is unsophisticated.
- C. The blind leading the blind.** Uninformed and incompetent people leading others who are similarly incapable. Biblical and Hindu origins - Mathew 15:14.
- D. Stone deaf.** Has origins relating to trades industry and working conditions or demeaning pictures of ability - as deaf as a stone, completely deaf. Another reference - stone mason in a tin mine became deaf from constant banging.
- E. What a spazz.** A derogatory term for people with cerebral palsy or other disabilities. Spasticity is a medical term that describes problems with motor coordination.
- F. That's retarded.** Saying, "That's retarded" is no more socially acceptable than saying, "That's female," "That's Republican," "That's Mexican," or any other statement along these lines. *So when did it become acceptable to say, "That's retarded?"* Plus, the term *cognitive disability* has replaced the term *mental retardation*.
- H. Funny as a rubber crutch.** When I was a kid and someone told a dumb joke, we'd say, "That's as funny as a rubber crutch." The point is "rubber crutches" aren't funny.

5. Read the unacceptable terms listed below which have commonly been used to describe people with disabilities. Then develop a more acceptable alternative for each.

suffers from cerebral palsy person with cerebral palsy

wheelchair bound person who uses a wheelchair/wheelchair user

victim of blindness person who is blind

special needs children children with disabilities/children with special needs

6. Wheelchair users are most often paralyzed and, therefore, are confined to their chairs.

True False

Discussion: People who use wheelchairs use them as a tool, just as others use their legs. They are free to transfer out of their wheelchairs. Many conditions exist for which people use wheelchairs, among them is paralysis; however, others are multiple sclerosis, muscular dystrophy, chronic heart and/or lung disease, cerebral palsy and amputation.

7. When holding a face-to-face conversation with someone who is using a wheelchair, you should:

- A. Find a chair and sit down so you are both on the same level.
- B. Step back so he/she can see you more comfortably.
- C. Avoid leaning on or touching the wheelchair.
- D. All of the above

Discussion: Be cognizant of line of site issues while communicating with someone who is sitting. Standing over someone is a dominant communication technique. Kicking someone's tires or spokes like a used car is jarring and invasive of the wheelchair user's personal space. You wouldn't want someone kicking your shoes or pants while you are in them, would you?

8. In general, when a person who is deaf or hard of hearing indicates that he/she does not understand what you have said, you should:

- A. Repeat the statement.
- B. Repeat the statement in a louder voice.
- C. Repeat the statement more slowly.
- D. Repeat the statement in a louder and slower voice.
- E. Rephrase the statement.

Discussion: Repeating the statement should be the first method to try. The person who is deaf may have understood most of what was said and merely needs to have the statement repeated to understand the complete message. If clarification is still needed, rephrasing the statement might be another option. It is also appropriate to write the message down on paper.

9. If someone is using a sign language interpreter, it is proper to address questions and responses to the interpreter so he/she can relay the message to the person who is deaf.

True False

Discussion: People may have a natural tendency to look at the person who is speaking out loud to them. However, the conversation is with the deaf person, not the interpreter. The interpreter is like a tool of communication or an assistive device, not the communicator.

10. Persons who are blind generally have exceptional skill in recognizing other people's voices.

True False

Discussion: This may be true for some people who are blind, but it is not a general truth. Research suggests that in certain circumstances, other senses are heightened in persons who are blind. Scientists have discovered that the time in a person's life when they become blind is important. In one study, those who were born blind did the best in pitch perception and in locating sound; those who lost vision after age 10 did no better than sighted subjects.

11. When guiding a person who is blind, it is important to keep a firm grip on their arm in order to navigate them.

True False

Discussion: Usually, the person who is being guided will keep a light hold on the arm of the person assisting them, rather than the other way around. Always **ask, don't assume** that a person who is blind wants assistance.

12. Under what circumstances is it permissible to interact with the service animal of a person who is blind?

Discussion: Generally, **never**. 1) Always interact with the handler, not with the service animal. 2) Always ask before petting or talking to a service animal. Service animals should only be touched by their handlers, and should not be distracted while working. In some states, there are laws against interfering with a person who is blind or their service equipment or animals (e.g., Alaska). 3) Only if you think it is an emergency situation should you intervene and handle an individual's service animal.

13. When listening to a person who has speech that is difficult to understand, a person should:

- A. Say he/she doesn't understand.
- B. Pretend to understand to avoid embarrassment.
- C. Try to end the conversation quickly.
- D. Request that the person draw a picture.

Discussion: Many people who have speech disabilities realize that what they are saying may be difficult for the listener to understand. They are generally very patient in assisting you to understand them. When possible for the person, writing notes can also be helpful.

14. People with intellectual disabilities remain childlike and need supervision most of the time.

True False

Discussion: Not always; it really depends on the circumstances, such as: 1) the severity of the disability, 2) treatment by parents when the individual is a child, and 3) participation in educational programs. There are levels of cognitive ability among people with intellectual disabilities. Some people with lower functioning ability can receive training so that they can work and perform certain independent living tasks well, while others with higher functioning ability can attend school, qualify for high school diplomas, drive vehicles and live very independently.

15. If a person is having a seizure, you should gently place something soft in her mouth to prevent her from swallowing her tongue.

True False

Discussion: It is unnecessary and could be very dangerous to put something in a person's mouth while they are having a seizure. They could choke on the object or the person who is assisting could be bitten. And it is nearly impossible to swallow your tongue.

16. People with mental illness are oftentimes a danger to themselves and others.

True False

Discussion: In reality, people with psychiatric disabilities are often *victims* of violence themselves. In general, individuals with psychiatric disabilities are no more dangerous than people without mental illness.

17. When meeting a person who has an upper mobility impairment (e.g., has a missing or artificial right hand or is unable to raise their arm), it is proper etiquette to:

- A. Wait for the person to offer to shake your hand.
- B. Offer your left hand.
- C. Offer your right hand as you would with anyone.
- D. Wait for the person to initiate contact.

Discussion: Offer your right hand as you would with anyone; the person with the disability will adjust to you. Hand shaking is a common greeting. Depending on the people involved or the situation, any of the above responses could be appropriate.

For more information about Disability Language and Etiquette, to request permission to use this survey or to request training, contact the Northwest ADA Center (DBTAC).



Phone: 800-949-4232

Website: www.dbtacnorthwest.org

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Module III: Civics and the ADA

Civics 101

Handout – Guide to Disability Rights Laws
Title I and Title II Prohibitions

For public-policy changes to be effective, the attitudes that lead to the marginalization of people with disabilities must be addressed equally along with functional changes in the physical environment.

- Polly Welch and Chris Palames

Title I Prohibitions Against Discrimination

(Sec. 12112. Discrimination)

- (a) General rule No covered entity shall discriminate against a qualified individual on the basis of disability in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment.
- (b) Construction. As used in subsection (a) of this section, the term “discriminate against a qualified individual on the basis of disability” includes:
- (1) limiting, segregating, or classifying a job applicant or employee in a way that adversely affects the opportunities or status of such applicant or employee because of the disability of such applicant or employee;
 - (2) participating in a contractual or other arrangement or relationship that has the effect of subjecting a covered entity's qualified applicant or employee with a disability to the discrimination prohibited by this subchapter (such relationship includes a relationship with an employment or referral agency, labor union, an organization providing fringe benefits to an employee of the covered entity, or an organization providing training and apprenticeship programs);
 - (3) utilizing standards, criteria, or methods of administration
 - a. that have the effect of discrimination on the basis of disability;
 - b. that perpetuates the discrimination of others who are subject to common administrative control;
 - (4) excluding or otherwise denying equal jobs or benefits to a qualified individual because of the known disability of an individual with whom the qualified individual is known to have a relationship or association;
 - (5)
 - a. not making reasonable accommodations to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, unless such covered entity can demonstrate that the accommodation would impose an undue hardship on the operation of the business of such covered entity; or
 - b. denying employment opportunities to a job applicant or employee who is an otherwise qualified individual with a disability, if such denial is based on the need of you such covered entity to make reasonable accommodation to the physical or mental impairments of the employee or applicant;
 - (6) using qualification standards, employment tests or other selection criteria that screen out or tend to screen out an individual with a disability or a class of individuals with disabilities unless the standard, test or other selection criteria, as used by the covered entity, is shown to be job-related for the position in question and is consistent with business necessity; and
 - (7) failing to select and administer tests concerning employment in the most effective manner to ensure that, when such test is administered to a job applicant or employee who has a disability that impairs sensory, manual, or speaking skills, such test results accurately reflect the skills, aptitude, or whatever other factor of such applicant or employee that such test purports to measure, rather than reflecting the impaired sensory, manual, or speaking skills of such employee or applicant (except where such skills are the factors that the test purports to measure).

Title II General Prohibitions Against Discrimination

Title II Prohibition – the Act

Subject to the provisions of this subchapter, no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of services, programs, or activities of a public entity, or be subjected to discrimination by any such entity.

Title II Prohibitions – Regulations 28 CFR 35.130

- a. No qualified individual with a disability shall, on the basis of disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any public entity.
- b.
 - a. A public entity, in providing any aid, benefit, or service, may not, directly or through contractual, licensing, or other arrangements, on the basis of disability –
 - i. Deny a qualified individual with a disability the opportunity to participate in or benefit from the aid, benefit, or service;
 - ii. Afford a qualified individual with a disability an opportunity to participate in or benefit from the aid, benefit, or service that is not equal to that afforded others;
 - iii. Provide a qualified individual with a disability with an aid, benefit, or service that is not as effective in affording equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as that provided to others;
 - iv. Provide different or separate aids, benefits, or services to individuals with disabilities or to any class of individuals with disabilities than is provided to others unless such action is necessary to provide qualified individuals with disabilities with aids, benefits, or services that are as effective as those provided to others;
 - v. Aid or perpetuate discrimination against a qualified individual with a disability by providing significant assistance to an agency, organization, or person that discriminates on the basis of disability in providing any aid, benefit, or service to beneficiaries of the public entity's program;
 - vi. Deny a qualified individual with a disability the opportunity to participate as a member of planning or advisory boards;
 - vii. Otherwise limit a qualified individual with a disability in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving the aid, benefit, or service.
 - b. A public entity may not deny a qualified individual with a disability the opportunity to participate in services, programs, or activities that are not separate or different, despite the existence of permissibly separate or different programs or activities.
 - c. A public entity may not, directly or through contractual or other arrangements, utilize criteria or methods of administration:
 - i. That have the effect of subjecting qualified individuals with disabilities to discrimination on the basis of disability;
 - ii. That have the purpose or effect of defeating or substantially impairing accomplishment of the objectives of the public entity's program with respect to individuals with disabilities; or
 - iii. That perpetuate the discrimination of another public entity if both public entities are subject to common administrative control or are agencies of the same State.

- d. A public entity may not, in determining the site or location of a facility, make selections --
 - i. That have the effect of excluding individuals with disabilities from, denying them the benefits of, or otherwise subjecting them to discrimination; or
 - ii. That have the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the service, program, or activity with respect to individuals with disabilities.
- e. A public entity, in the selection of procurement contractors, may not use criteria that subject qualified individuals with disabilities to discrimination on the basis of disability.
- f. A public entity may not administer a licensing or certification program in a manner that subjects qualified individuals with disabilities to discrimination on the basis of disability, nor may a public entity establish requirements for the programs or activities of licensees or certified entities that subject qualified individuals with disabilities to discrimination on the basis of disability. The programs or activities of entities that are licensed or certified by a public entity are not, themselves, covered by this part.
- g. A public entity shall make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the public entity can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity.
- h. A public entity shall not impose or apply eligibility criteria that screen out or tend to screen out an individual with a disability or any class of individuals with disabilities from fully and equally enjoying any service, program, or activity, unless such criteria can be shown to be necessary for the provision of the service, program, or activity being offered.
- c. Nothing in this part prohibits a public entity from providing benefits, services, or advantages to individuals with disabilities, or to a particular class of individuals with disabilities beyond those required by this part.
- d. A public entity shall administer services, programs, and activities in the most integrated setting appropriate to the needs of qualified individuals with disabilities.
- e.
 - a. Nothing in this part shall be construed to require an individual with a disability to accept an accommodation, aid, service, opportunity, or benefit provided under the ADA or this part which such individual chooses not to accept.
 - b. Nothing in the Act or this part authorizes the representative or guardian of an individual with a disability to decline food, water, medical treatment, or medical services for that individual.
- f. A public entity may not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the costs of measures, such as the provision of auxiliary aids or program accessibility, that are required to provide that individual or group with the nondiscriminatory treatment required by the Act or this part.
- g. A public entity shall not exclude or otherwise deny equal services, programs, or activities to an individual or entity because of the known disability of an individual with whom the individual or entity is known to have a relationship or association.



Module IV: Authorities

ADA Coordination with Outside Entities

ADA Designation Memo and form

Materials available on www.alaska.gov/ADA

- Administrative Orders 129 and 262
- Alaska Administrative Code
- ADA Coordinator Page

It is the purpose of this order and the Americans with Disabilities Act compliance program:

- To prevent and eliminate discrimination against individuals with disabilities in employment and public services within state government;*
 - To establish policies, guidelines and procedures for state agencies to follow to ensure compliance with title I and title II of the Americans with Disabilities Act of 1990, as amended, and their implementing regulations.*
- AO 129

ADA Coordination with Outside Entities





Memorandum – DRAFT

December 12, 2013

To: Commissioners
Division Directors

From: Jason C. Burke, State ADA Coordinator

Subject: ADA Compliance Program Overview and ADA Coordinator Designations

On behalf of the Americans with Disabilities Act (ADA) Compliance Program and ADA Task Force thank you for your efforts to ensure people with disabilities have equal opportunity to participate in state jobs and services. The enclosed overview (Attachment A) and designation form (Attachment B) provides information about the State's ADA Compliance Program and how to designate an ADA coordinator for your agency. 6 AAC 65.030 (b) states each commissioner will designate a department ADA coordinator, and (c) states that each director...with 50 or more employees will designate a division ADA coordinator (but still may if the division has fewer than 50 employees). Attachment C provides a working list of ADA coordinators that have been designated actively or by default.

You are welcome to contact my office for guidance on disability issues and updated designations.

Thank you for your efforts in making Alaska more modern and accessible.

Enclosure: 3
cc: ADA Coordinators

ADA Compliance Program Overview

Following are highlights of the ADA Compliance Program:

- The ADA Compliance Program is established under AO 129 to facilitate a statewide, coordinated approach to ADA compliance in executive branch jobs and services.
- Significant revisions to the ADA have occurred recently, such that the term “disability” is broadly construed and “accessibility” reflects a broader array of technologies and standards.
- The state needs to routinely update its disability compliance tools and standards. The ADA Compliance Program facilitates updates through coordinated communication, guidance, planning, evaluation, projects and training.
- Commissioners are the department’s final decision maker on policy, reasonable accommodations, and complaints. Department and division ADA coordinators receive guidance from their commissioner and the state ADA coordinator on ADA matters.
- Unless the department and/or division designate ADA coordinators with the state ADA coordinator’s office, the top official remains the designated ADA coordinator.
- ADA coordinators are stewards of good faith and *how to think* about differences caused by disability in decision-making. They provide impartial, fair and private treatment of disability issues.
- ADA Compliance Programs will be able to manage efforts more effectively by engaging functional areas, such as web, facilities, procurement, and human resource professionals.
- Commissioners and their ADA coordinators should be able to account for reasonable accommodations that are provided, and be especially mindful of any accommodations that are denied. Consultation with the state ADA coordinator or Equal Employment Opportunity Program Manager is required when requests are complex or may be denied, or when an employee may be reassigned.
- The expanded definition of disability under the ADA Amendments Act will likely generate more requests from employees that qualify as reasonable accommodations.
- Alaska Administrative Code requires that agencies refer to the state ADA coordinator’s office within five days of receiving a service-related complaint, and that “department or division ADA coordinator shall receive guidance and direction from the commissioner of the department and the state ADA coordinator” during the initial review period. The State ADA Coordinator is the primary point of service for coordination of service-related complaints filed against the state with federal and state enforcement agencies.
- ADA coordinators determine whether modifications should be made to services, policies, and practices so people with disabilities can participate fairly. They keep track of barriers to facilities and priorities for their removal.
- Training is critical to ensure proactive implementation of new rules and standards, and to avoid costly legal issues. It is beneficial to approach training issues collaboratively with input from the state ADA coordinator’s office.

ADA Compliance Program Designations

Pursuant to Administrative Order 129 and Alaska Administrative Code 6 AAC 65.030, I hereby designate _____ as the Department or Division ADA Coordinator (check one) for _____.
ADA coordinators also include (if applicable) _____ for Title II services, and _____ for Title I employment.

Department and division ADA coordinators will forward designations to the State ADA coordinator, and copy department employees and the public as appropriate.

The department's designees will have adequate authority and support to manage department and division ADA compliance programs, and will receive direction from the commissioner and State ADA Coordinator's Office to facilitate access and compliance. Designees will fulfill responsibilities to effectively implement AO 129, AO 262, 6 AAC 65, the Alaska Human Rights Act, the Americans with Disabilities Act and other applicable laws.

The department's designee will also serve as the ADA coordinator for each board and commission the department supports. The department will promptly notify divisions, the state ADA coordinator, and applicable boards and commissions of any changes in department and division ADA coordinator designations. This designation shall remain in effect until the order is updated or there is a change in commissioners.

Signed: _____ Date: _____

Printed Name: _____

Commissioner, _____ or Director, _____

ADA Coordinator Roster

(Draft 12/6/13)

Department	Commissioner	ADA Coordinator
Statewide	Curtis Thayer	Jason Burke
Administration	Curtis Thayer	Camille Brill
Commission on Postsecondary Education	Diane Barrans, Exec. Dir.	Worth Barthel
Commerce, Community and Economic Development	Susan K. Bell	Shawn Olsen Julie Yancey (title I)
Corrections	Joe Schmidt	Sherrie Daigle
Education and Early Development	Mike Hanley	Bobi Jo Grimes
Environmental Conservation	Larry Hartig	Deborah Pock Eric Hotchkiss (title I)
Fish and Game	Cora Campbell	Carol Petraborg (title II) Stacie Bentley (title I) Tiffany Sturrock
Office of the Governor		
Health and Social Services	William J. Streur	Jennifer Klein (title II) Dallas Hargrave (title I)
Labor and Workforce Development	Dianne Blumer	Gerald Pierce
Law	Michael C. Geraghty	Aaron Gelston (title I)
Legislative Affairs Agency		Skiff Lobaugh
Military and Veterans Affairs	Maj. Gen. Thomas H. Katkus	Jolund Luther
Natural Resources	Joe Balash	John Crowther Pam Keane (Title I)
Public Safety	Keith L. Mallard	Cheri Cadiente Brittany Patzke (title I)
Revenue	Angela Rodell	Jerry Burnett Shannon Ely (title I)
Transportation	Patrick Kemp, P.E.	James Bauman

Attachment C, continued

Division ADA Coordinator Listing (Draft)

Departments

- [Office of the Governor](#)
- [Office of the Lieutenant Governor](#)
- [Administration](#)
- [Alaska Commission on Postsecondary Education](#)
- [Commerce, Community and Economic Development](#)
- [Corrections](#)
- [Environmental Conservation](#)
- [Education and Early Development](#)
- [Fish and Game](#)
- [Health and Social Services](#)
- [Labor and Workforce Development](#)
- [Law](#)
- [Military and Veterans Affairs](#)
- [Natural Resources](#)
- [Public Safety](#)
- [Revenue](#)
- [Transportation and Public Facilities](#)

Office of the Governor

Karen J. Rehfeld

Office of Management and Budget

Office of the Lieutenant Governor

Gail Fenumiai

Division of Elections

Administration

Wendy Vuille
Michele Hope
James S. Waste
Jerry D. Anderson
Nicole Wery
Thomas Mayer
Stacy Oates
Camille Brill
Jim Bates
Terry L. Thurbon
Tammany Waterman
Tabitha Van Slyke
Tim Adair
Scott Jordan
Kate Hudson

Administrative Services
Alaska Industrial Development and Export Authority
Alaska Public Broadcasting, Inc.
Alaska Public Offices Commission
Division of Finance
Division of General Services
Division of Motor Vehicles
Division of Personnel & Labor Relations
Enterprise Technology Services
Office of Administrative Hearings
Office of Public Advocacy
Public Defender Agency
Retirement & Benefits
Risk Management
Violent Crimes Compensation Board

Alaska Commission on Postsecondary Education

Worth Barthel

Alaska Commission on Postsecondary Education

Commerce, Community and Economic Development

Jo Ellen Hanrahan	Administrative Services
Jennifer Haldane	Alaska Energy Authority
Jennifer Haldane	Alaska Industrial Development and Export Authority
Christopher Aadnesen	Alaska Railroad Corporation
Naresh K. Shrestha	Alaska Seafood Marketing Institute
Shirley A. Cote	Alcoholic Beverage Control Board
Lorie L. Hovanec	Banking and Securities
Scott Ruby	Community and Regional Affairs
Don Habeger	Corporations, Business, and Professional Licensing
Joseph Jacobsen	Economic Development
Bret S. Kolb	Insurance
Joyce McGowan	Regulatory Commission of Alaska
Paula Powlowski	Serve Alaska

Corrections

Kevin Worley	Administrative Services
Suluia Augafa	Anchorage Correctional Center
Michael Dunham	Anvil Mountain Correctional Center
Sherrie Daigle	Department of Corrections
Bryan Brandenburg	Division of Institutions
Jerry Watson	Fairbanks Correctional Center
Amy Rabeau	Goose Creek Correctional Center
Sam Medlock	Hiland Mountain Correctional Center
Rob Masden	Hudson Correctional Facility
Eddie Hendricks	Ketchikan Correctional Center
Kenneth Patten	Lemon Creek Correctional Center
Steve Brunger	Mat-Su Correctional Center
John Conant	Palmer Correctional Center
Carrie Belden	Probation and Parole
Bob Lockeby	Spring Creek Correctional Center
Robert Hibpshman	Wildwood Correctional Center
L. Dean Marshall	Yukon Kuskokwim Correctional Center

Environmental Conservation

Tom Cherian	Division of Administrative Services
Alice Edwards	Division of Air Quality
Kristin Ryan	Division of Environmental Health
Larry Dietrick	Division of Spill Prevention and Response
Michelle Bonnet	Division of Water

Education and Early Development

Bobi Jo Grimes	Administrative Services
Shannon Daut	Alaska State Council on the Arts
Stuart Gerger	Facilities Manager
Katie Fearer	Libraries, Archives, and Museums

Randy Hawk
Samantha Wilson

Mt. Edgecumbe High School
Teaching and Learning Support

Fish and Game

Carol Petraborg
Jeff Regnart
Randall Bates
Charles Swanton
Hazel Nelson
Douglas Vincent-Lang

Division of Administrative Services
Division of Commercial Fisheries
Division of Habitat
Division of Sport Fish
Division of Subsistence
Division of Wildlife Conservation

Health and Social Services

Ken Truitt
Melissa Witzler-Stone
Margaret Brodie
Barbara Henjum
Ron Kreher
Kerre Shelton
Duane Mayes
Ree Sailors
Sana Efird
Richard Sanders
Craig Christenson
Christy Lawton

Alaska Pioneer Homes
Division of Behavioral Health
Division of Health Care Services
Division of Juvenile Justice
Division of Public Assistance
Division of Public Health
Division of Senior and Disabilities Services
Family, Community and Integrated Services
Finance and Management Services
Governor's Council on Disabilities and Special Education
Medicaid and Health Care Policy
Office of Children's Services

Labor and Workforce Development

Brynn Keith
Patti Price
Roger Foisy
Ken Mill
Grey Mitchell
Cheryl Walsh
Allan Ezzell

Administrative Services Division
Alaska Vocational Technical Center
Business Partnerships Division
Employment Security Division
Labor Standards and Safety
Vocational Rehabilitation Division
Workers Compensation Division

Law

David Blaisdell
James Cantor
John B. Skidmore

Administrative Services Division
Civil Division
Criminal Division

Military and Veterans Affairs

Timothy O'Brien
Assistant Adjutant General Leon
"Mike" Bridges
Clyde Burton
Jolund Luther
John Madden

Alaska Air National Guard

Alaska Army National Guard
Alaska Military Youth Academy
Division of Administrative Services
Homeland Security and Emergency Management

Natural Resources

Greg Jones	Alaska Mental Health Trust Land Office
Curt Sandvik	Division of Agriculture
John "Curtis" Maisch	Division of Forestry
Robert "Bob" Swenson	Division of Geological and Geophysical Surveys
Brent Goodrum	Division of Mining, Land and Water
Bill Barron	Division of Oil and Gas
Clair LeClair	Division of Parks and Outdoor Recreation
Vicky Backus	Support Services - Recorders/UCC Section

Public Safety

Jeff Hoover	Division of Administrative Services
Col. Keith Mallard	Division of Alaska State Troopers
Col. Gary Folger	Division of Alaska Wildlife Troopers
Kelly Nicoletto	Division of Fire and Life Safety
David Schade	Division of Statewide Services

Revenue

Daniel R. Fauske	Alaska Housing Finance Corporation*
Shirley A. Cote	Alcoholic Beverage Control Board
Jeff Jessee	Alaska Mental Health Trust Authority
Deven Mitchell	Alaska Municipal Bond Bank Authority
Bruce Tangeman	Alaska Natural Gas Development Authority
Michael Burns	Alaska Permanent Fund Corporation
Jerry Burnett	Division of Administrative Services
Dan Debartolo	Division of Permanent Fund Dividend
Angela Rodell	Division of Treasury
Matthew R. Fonder	Tax Division
* Key AHFC Divisions	
Doc Crouse	Construction
Michael Courtney	Housing Operations
Jim Spalding	Human Resources
Mark Romick	Planning and Program Development
Catherine Stone	Public Housing

Transportation and Public Facilities

John Falvey	Alaska Marine Highways
Rob Campbell, P.E.	Central Region
Dennis Good	Civil Rights
Roger Healy	Design and Engineering Services
Mary Siroky	Division of Administrative Services
Kasandra Rice	Division of Design and Construction
Reuben Yost	Division of Maintenance, Construction and Operations
	Division of Measurement Standards and Commercial
Daniel Smith	Vehicle Enforcement
Steve Titus, P.E.	Northern Region
Jeffery Ottesen	Program Development
Al Clough	Southeast Region
Robert Wright	State Right-of-Way Chief
William O'Halloran	Statewide Maintenance and Operations
Mike Coffey	Statewide Maintenance Engineer



Module V: ADA Coordinator Role

Materials available on www.alaska.gov/ADA

- Administrative Orders 129 and 262
- Alaska Administrative Code
- ADA Coordinator Page

Coordinate the department's or division's efforts to comply with and carry out its responsibilities under title I and title II of the Americans with Disabilities Act.

- AO 129



Module VI: Access, Services and Design

Regulation

Highlights under the 2010 ADA Regulations
Communications, Video Remote Interpreting, and Auxiliary Aids and Services
Mobility Devices

Guidance

Facilities Access Memo
Web Access Memo

Illustrations

Self-evaluation overview chart
ADA Coordinator Survey Self-evaluation

A public entity must examine each program to determine whether any physical barriers to access exist. It should identify steps that need to be taken to enable these programs to be made accessible when viewed in their entirety. If structural changes are necessary, they should be included in the transition plan.

A review should be made to ascertain whether measures have been taken to ensure that employees of a public entity are familiar with the policies and practices for the full participation of individuals with disabilities. If appropriate, training should be provided to employees.

- *ADA Title II Technical Assistance Manual*

Subpart E—Communications

§ 35.160 General.

(a)

(1) A public entity shall take appropriate steps to ensure that communications with applicants, participants, members of the public, and companions with disabilities are as effective as communications with others.

(2) For purposes of this section, **“companion”** means a family member, friend, or associate of an individual seeking access to a service, program, or activity of a public entity, who, along with such individual, is an appropriate person with whom the public entity should communicate.

(b)

(1) A public entity shall furnish **appropriate auxiliary aids and services** where necessary to afford qualified individuals with disabilities, including applicants, participants, companions, and members of the public, an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity of a public entity.

(2) The type of auxiliary aid or service necessary to ensure effective communication will vary in accordance with the method of communication used by the individual; the nature, length, and complexity of the communication involved; and the context in which the communication is taking place. In determining what types of auxiliary aids and services are necessary, a public entity shall give primary consideration to the requests of individuals with disabilities. In order to be effective, auxiliary aids and services must be provided in accessible formats, in a timely manner, and in such a way as to protect the privacy and independence of the individual with a disability.

(c)

(1) **A public entity shall not require an individual with a disability to bring another individual to interpret for him or her.**

(2) A public entity shall not rely on an adult accompanying an individual with a disability to interpret or facilitate communication except—

(i) In an emergency involving an imminent threat to the safety or welfare of an individual or the public where there is no interpreter available; or

(ii) Where the individual with a disability specifically requests that the accompanying adult interpret or facilitate communication, the accompanying adult agrees to provide such assistance, and reliance on that adult for such assistance is appropriate under the circumstances.

(3) A public entity shall not rely on a minor child to interpret or facilitate communication, except in an emergency involving an imminent threat to the safety or welfare of an individual or the public where there is no interpreter available.

(d) **Video remote interpreting (VRI) services.** A public entity that chooses to provide qualified interpreters via VRI services shall ensure that it provides—

(1) Real-time, full-motion video and audio over a dedicated high-speed, wide-bandwidth video connection or wireless connection that delivers high-quality video images that do not produce lags, choppy, blurry, or grainy images, or irregular pauses in communication;

(2) A sharply delineated image that is large enough to display the interpreter's face, arms, hands, and fingers, and the participating individual's face, arms, hands, and fingers, regardless of his or her body position;

(3) A clear, audible transmission of voices; and

(4) **Adequate training to users of the technology and other involved individuals so that they may quickly and efficiently set up and operate the VRI.**

§ 35.161 Telecommunications.

(a) Where a public entity communicates by telephone with applicants and beneficiaries, text telephones (TTYs) or equally effective telecommunications systems shall be used to communicate with individuals who are deaf or hard of hearing or have speech impairments.

(b) When a public entity uses an automated-attendant system, including, but not limited to, voice mail and messaging, or an interactive voice response system, for receiving and directing incoming telephone calls, **that system must provide effective real-time communication with individuals using auxiliary aids and services**, including TTYs and all forms of FCC-approved telecommunications relay system, including Internet-based relay systems.

(c) A public entity shall respond to telephone calls from a telecommunications relay service established under title IV of the ADA in the same manner that it responds to other telephone calls.

§ 35.162 Telephone emergency services

Telephone emergency services, including 911 services, shall provide direct access to individuals who use TDD's and computer modems.

§ 35.163 Information and signage

(a) A public entity shall ensure that interested persons, including persons with impaired vision or hearing, can obtain information as to the existence and location of accessible services, activities, and facilities.

(b) A public entity shall provide signage at all inaccessible entrances to each of its facilities, directing users to an accessible entrance or to a location at which they can obtain information

about accessible facilities. The international symbol for accessibility shall be used at each accessible entrance of a facility.

§ 35.164 Duties

This subpart does not require a public entity to take any action that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity or in undue financial and administrative burdens. In those circumstances where personnel of the public entity believe that the proposed action would fundamentally alter the service, program, or activity or would result in undue financial and administrative burdens, a public entity has the burden of proving that compliance with this subpart would result in such alteration or burdens. The decision that compliance would result in such alteration or burdens must be made by the head of the public entity or his or her designee after considering all resources available for use in the funding and operation of the service, program, or activity and must be accompanied by a written statement of the reasons for reaching that conclusion. If an action required to comply with this subpart would result in such an alteration or such burdens, a public entity shall take any other action that would not result in such an alteration or such burdens but would nevertheless ensure that, to the maximum extent possible, individuals with disabilities receive the benefits or services provided by the public entity.

Auxiliary aids and services includes—

- (1) Qualified interpreters on-site or through **video remote interpreting (VRI) services**; notetakers; real-time computer-aided transcription services; written materials; exchange of written notes; telephone handset amplifiers; assistive listening devices; **assistive listening systems**; telephones compatible with hearing aids; closed caption decoders; open and closed captioning, including real-time captioning; voice, text, and video-based telecommunications products and systems, including text telephones (TTYs), videophones, and captioned telephones, or equally effective telecommunications devices; videotext displays; **accessible electronic and information technology**; or other effective methods of making aurally delivered information available to individuals who are deaf or hard of hearing;
- (2) Qualified readers; taped texts; audio recordings; Brailled materials and displays; screen reader software; magnification software; optical readers; secondary auditory programs (SAP); large print materials; **accessible electronic and information technology**; or other effective methods of making visually delivered materials available to individuals who are blind or have low vision;
- (3) Acquisition or modification of equipment or devices; and
- (4) Other similar services and actions.

§ 35.137 Mobility devices

(a) *Use of wheelchairs and manually-powered mobility aids.* A public entity shall permit individuals with mobility disabilities to use wheelchairs and manually-powered mobility aids, such as walkers, crutches, canes, braces, or other similar devices designed for use by individuals with mobility disabilities in any areas open to pedestrian use.

(b)

(1) *Use of other power-driven mobility devices.* A public entity shall make reasonable modifications in its policies, practices, or procedures to permit the use of other power-driven mobility devices by individuals with mobility disabilities, unless the public entity can demonstrate that the class of other power-driven mobility devices cannot be operated in accordance with legitimate safety requirements that the public entity has adopted pursuant to § 35.130(h).

(2) *Assessment factors.* In determining whether a particular other power-driven mobility device can be allowed in a specific facility as a reasonable modification under paragraph (b)(1) of this section, a public entity shall consider—

(i) The type, size, weight, dimensions, and speed of the device;

(ii) The facility's volume of pedestrian traffic (which may vary at different times of the day, week, month, or year);

(iii) The facility's design and operational characteristics (*e.g.*, whether its service, program, or activity is conducted indoors, its square footage, the density and placement of stationary devices, and the availability of storage for the device, if requested by the user);

(iv) Whether legitimate safety requirements can be established to permit the safe operation of the other power-driven mobility device in the specific facility; and

(v) Whether the use of the other power-driven mobility device creates a substantial risk of serious harm to the immediate environment or natural or cultural resources, or poses a conflict with Federal land management laws and regulations.

(c)

(1) *Inquiry about disability.* A public entity shall not ask an individual using a wheelchair or other power-driven mobility device questions about the nature and extent of the individual's disability.

(2) *Inquiry into use of other power-driven mobility device.* A public entity may ask a person using an other power-driven mobility device to provide a credible assurance that the mobility device is required because of the person's disability. A public entity that permits the use of an other power-driven mobility device by an individual with a mobility disability shall accept the presentation of a valid, State-issued, disability parking placard or card, or

other State-issued proof of disability as a credible assurance that the use of the other power-driven mobility device is for the individual's mobility disability. In lieu of a valid, State-issued disability parking placard or card, or State-issued proof of disability, a public entity shall accept as a credible assurance a verbal representation, not contradicted by observable fact, that the other power-driven mobility device is being used for a mobility disability. A "valid" disability placard or card is one that is presented by the individual to whom it was issued and is otherwise in compliance with the State of issuance's requirements for disability placards or cards.

Web Access

Preamble to the 2010 ADA Regulations

The Department agrees that the ability to access, on an equal basis, the programs and activities offered by public entities through Internet-based Web sites is of great importance to individuals with disabilities, particularly those who are blind or who have low vision. When the ADA was enacted in 1990, the Internet was unknown to most Americans. Today, the Internet plays a critical role in daily life for personal, civic, commercial, and business purposes. In a period of shrinking resources, public entities increasingly rely on the web as an efficient and comprehensive way to deliver services and to inform and communicate with their citizens and the general public. In light of the growing importance Web sites play in providing access to public services and to disseminating the information citizens need to participate fully in civic life, accessing the Web sites of public entities can play a significant role in fulfilling the goals of the ADA.

Although the language of the ADA does not explicitly mention the Internet, the Department has taken the position that title II covers Internet Web site access. Public entities that choose to provide services through web-based applications (*e.g.*, renewing library books or driver's licenses) or that communicate with their constituents or provide information through the Internet must ensure that individuals with disabilities have equal access to such services or information, unless doing so would result in an undue financial and administrative burden or a fundamental alteration in the nature of the programs, services, or activities being offered. The Department has issued guidance on the ADA as applied to the Web sites of public entities in a 2003 publication entitled, *Accessibility of State and Local Government Web sites to People with Disabilities*, (June 2003) available at <http://www.ada.gov/websites2.htm>. As the Department stated in that publication, an agency with an inaccessible Web site may also meet its legal obligations by providing an alternative accessible way for citizens to use the programs or services, such as a staffed telephone information line. However, such an alternative must provide an equal degree of access in terms of hours of operation and the range of options and programs available. For example, if job announcements and application forms are posted on an inaccessible Web site that is available 24 hours a day, seven days a week to individuals without disabilities, then the alternative accessible method must also be available 24 hours a day, 7 days a week. Additional guidance is available in the Web Content Accessibility Guidelines (WCAG), (May 5, 1999) available at <http://www.w3.org/TR/WAI-WEBCONTENT> (last visited June 24, 2010) which are developed and maintained by the Web Accessibility Initiative, a subgroup of the World Wide Web Consortium (W3C®).

The Department expects to engage in rulemaking relating to website accessibility under the ADA in the near future. The Department has enforced the ADA in the area of website accessibility on a case-by-case basis under existing rules consistent with the guidance noted above, and will continue to do so until the issue is addressed in a final regulation.

Highlights of the Final Rule to Amend the Department of Justice's Regulation Implementing Title II of the ADA

The Department of Justice (the Department) has amended its regulation implementing title II of the Americans with Disabilities Act (ADA), which applies to public entities. The ADA requires the Department to publish ADA design standards that are consistent with the minimum guidelines published by the U.S. Architectural and Transportation Barriers Compliance Board (Access Board). Therefore, the title II rule adopts new Standards for Accessible Design that are consistent with the minimum ADA/ABA Accessibility Guidelines developed by the Access Board. The final rule also amends the existing title II regulation to make it consistent with current policies and published guidance, to reflect the Department's experience since the regulation was first published in 1991, and to address and respond to comments received from the public in response to the Department's 2008 Notice of Proposed Rulemaking (NPRM). These revisions took effect on March 15, 2011.

SUMMARY OF CHANGES

1. Adoption of the 2010 ADA Standards for Accessible Design. The Department has adopted revised ADA design standards that include the relevant chapters of the Access Board's 2004 ADA/ABA Accessibility Guidelines as modified by specific provisions of this rule. To minimize compliance burdens on entities subject to more than one legal standard, these design standards have been harmonized with the Federal standards implementing the Architectural Barriers Act and with the private sector model codes that are adopted by most States.
2. Effective Date. The rule became effective on March 15, 2011. On March 15, 2012, compliance with the 2010 Standards will be required for new construction and alterations. In the period between September 15, 2010 and March 15, 2012, covered entities may choose between the 1991 Standards, the Uniform Federal Accessibility Standards (UFAS), and the 2010 Standards. Covered entities that should have complied with the 1991 Standards or the UFAS during any new construction or alteration of facilities or elements, but have not done so by March 15, 2012, must comply with the 2010 Standards.
3. Element by Element Safe Harbor. The rule includes a general "safe harbor" under which elements in covered facilities that were built or altered in compliance with the 1991 Standards or the UFAS would not be required to be brought into compliance with the 2010 Standards until the elements were subject to a planned alteration. Similar safe harbors were adopted for elements associated with the "path of travel" to an altered area.
4. Ticketing. The rule provides guidance on the sale of tickets for accessible seating, the sale of season tickets, the hold and release of accessible seating to persons other than those who need accessible seating, ticket pricing, prevention of the fraudulent purchase of accessible seating, and the ability to purchase multiple tickets when buying accessible seating. It requires a venue operator to accommodate an individual with a disability who acquired inaccessible seating on the secondary ticket market only when there is unsold accessible seating for that event.

5. Service Animals. The rule defines "service animal" as a dog that has been individually trained to do work or perform tasks for the benefit of an individual with a disability. The rule states that other animals, whether wild or domestic, do not qualify as service animals. Dogs that are not trained to perform tasks that mitigate the effects of a disability, including dogs that are used purely for emotional support, are not service animals. The final rule also clarifies that individuals with mental disabilities who use service animals that are trained to perform a specific task are protected by the ADA. The rule permits the use of trained miniature horses as alternatives to dogs, subject to certain limitations. To allow flexibility in situations where using a horse would not be appropriate, the final rule does not include miniature horses in the definition of "service animal."
6. Wheelchairs and Other Power-Driven Mobility Devices. The rule adopts a two-tiered approach to mobility devices, drawing distinctions between wheelchairs and "other power-driven mobility devices." "Other power-driven mobility devices" include a range of devices not designed for individuals with mobility impairments, such as the Segway® PT, but which are often used by individuals with disabilities as their mobility device of choice. Wheelchairs (and other devices designed for use by people with mobility impairments) must be permitted in all areas open to pedestrian use. "Other power-driven mobility devices" must be permitted to be used unless the covered entity can demonstrate that the class of devices cannot be operated in accordance with legitimate safety requirements. The rule also lists factors to consider in making this determination. This approach accommodates both the legitimate business interests in the safe operation of a facility and the growing use of nontraditional mobility devices, such as the Segway® PT by returning veterans with disabilities and other individuals with disabilities who are using these devices as their mobility aid of choice.
7. Effective Communication. The rule includes video remote interpreting (VRI) services as a kind of auxiliary aid that may be used to provide effective communication. VRI is an interpreting service that uses video conference technology over dedicated lines or wireless technology offering a high-speed, wide-bandwidth video connection that delivers high-quality video images. To ensure that VRI is effective, the Department has established performance standards for VRI and requires training for users of the technology and other individuals involved with its use so that they may quickly and efficiently set up and operate the VRI system.
8. Residential Housing Offered for Sale to Individual Owners. Residential housing programs provided by title II entities are covered by the ADA. For the first time, however, the final rule establishes design requirements for residential dwelling units built by or on behalf of public entities with the intent that the finished units will be sold to individual owners. These design requirements are set forth in the 2010 Standards.
9. Detention and Correctional Facilities. The final rule clarifies the requirements that apply to correctional facilities. It provides for an increase over the minimum percentage established in the ADA/ABA Accessibility Guidelines developed by the Access Board by requiring three percent of newly constructed or altered cells to be accessible, rather than two percent provided for in the guidelines.

For more information: Copies of the title II rule, the 2010 Standards, and this fact sheet are available in an accessible electronic format on the Internet at <http://www.ada.gov>. For additional information or to order print copies of these documents, call the ADA Information Line (800) 514-0301 (voice) or (800) 514-0383 (TTY). Copies of this notice will be available in accessible formats.

STATE OF ALASKA

Americans with Disabilities Act Compliance Program

SEAN PARNELL, GOVERNOR

801 West 10th Street, Suite A
Juneau, AK 99801-2814
Phone: (907) 465-6929
Fax: (907) 465-2856
Toll-Free V/TTY: (800) 478-2815

MEMORANDUM

TO: Commissioners
Distribution - See Attached

DATE: August 19, 2011

CC: Division Directors
Cheryl Walsh, Director, Division of
Vocational Rehabilitation

FROM: ADA Task Force (see attached)
Jason Burke, State ADA Coordinator /s./

SUBJECT: ADA Facilities Access
Transition to 2012

As you may be aware [revised ADA regulations](#) were issued in September 2010 for State and Local Governments under title II and for private entities under title III. The attached guidance from the U.S. Department of Justice (U.S. DOJ) outlines the “[Effective Date/Compliance Date](#)” for the revised rules. This memo instructs state agencies on compliance issues associated with implementation to improve access to facilities that host state programs, services and activities.

Why Access Matters

We believe the state can achieve significant cost-savings by building things “right” the first time. Because one in five Americans experience a disability it is important to incorporate design that maximizes accessibility, usability, and efficiency. Access makes it possible for people with disabilities to participate fully in state jobs and services.

Recent New Changes

Beginning March 15, 2012 state agencies are required to use the [2010 Standards for Accessible Design](#) for new construction and alterations; in the meantime they are permitted to use the 2010 Standards to comply with the accessibility requirements of the ADA. It is usually best to comply with the 2010 standards because agencies may be subject to them to ensure program access. Once an agency selects a standard applicable under the ADA for new construction or alterations, that standard must be applied to the entire facility. When fully effective, the 2010 Standards will replace the 1991 ADA Standards for Accessible Design and Uniform Federal Accessibility Standards as accessibility standards for new construction, alterations, program accessibility, and barrier removal under the ADA (paraphrased from [U.S. DOJ Memo to federal agencies March 29, 2011](#).)

How to Approach the Changes

Soon agencies will conduct their annual ADA self-evaluation to improve access and facilitate compliance. As part of this process ADA contacts will refer to facilities contacts regarding plans for barrier removal. They will elicit help in determining whether each of the facilities their programs use will adopt the 1991 or 2010 standard, and whether alternate access is needed.

The attached document entitled “Tips for the Transition to 2012” further outlines agency considerations when determining which standard to adopt. Agencies may achieve cost savings by removing barriers under the 1991 standard and safe harbor under the revised provisions.

Entities will most likely comply with the 2010 ADA Standards if the facility was designed according to the 2004 ADA Architectural Guidelines (ADAAG) or the 2003 or 2006 International Building Code. It will be necessary to look beyond the standards, however, because the 2010 ADA Standards cover some types of facilities for the first time, and the accompanying guidance includes additional requirements.

Where facilities do not have safe harbor under the 2010 standards, agencies will need to identify barriers, set priorities for removal, and provide alternate access. Some of these facilities include residential facilities and dwelling units, play areas, boat harbors, fishing piers, and swimming pools.

Accounting for Compliance

Methods for surveying facilities should be consistent and recorded in a database to ensure monitoring by the ADA program. Prioritization of barrier removal involves public input and should be posted online. Procedures should incorporate review and approval by the State ADA Coordinator whenever projects require resolution of ADA complaints or compliance issues.

Revised ADA requirements should be included in Requests for Proposals, contracts, and awards. It is important to note the 2010 requirement for additional changes when a primary function area is altered, whereby up to 20 percent of the cost of an alteration to a primary function area must be used to provide an accessible path of travel.

Agencies can account for ADA compliance by requiring contractors to detail costs of ADA alterations to existing facilities, especially path of travel, and ensuring that priorities for barrier removal are met. This will provide cumulative cost data and an account of good faith efforts.

Support and Technical Assistance

The Department of Transportation and Public Facilities has initiated a contract for a transition plan of its facilities and can amend its contract to include the assessment of additional facilities at cost. The U.S. Department of Transportation adopted the same standards as the 2010 U.S. DOJ in 2006. You may contact Jon Dunham, DOT&PF Civil Rights Manager for more information at jon.dunham@alaska.gov or 269-0851.

The ADA program will continue to assist agencies to apply the revised regulations, including the 2010 standards. Some materials are available on the [2010 Access Conference](#) website. More are being developed. You are welcome to provide input to the ADA Task Force to facilitate compliance. For more information, please visit www.alaska.gov/ada. You may also contact Jason Burke, State ADA Coordinator at jason.burke@alaska.gov or 465-6929.

Thank you for all of your efforts to improve access for all Alaskans to state programs and facilities.

Attachment A – Facilities Access Memo Distribution

Distribution

Commissioners (see following)
Division ADA Coordinators
Administrative Services Directors
Architects
Facilities Managers
Contracting Officers
Plan Reviewers
Procurement Officers
David Tyler, Director, Division of Fire and Life Safety, DPS
Joel St. Aubin, Engineer/Architect IV, DOT&PF
Tony Pfister, Engineer/Architect II, DOT&PF
Vern Jones, Chief Procurement Officer, Division of General Services, DoA
Tanci Mintz, State Leasing & Facilities Manager, Division of General Services, DoA

Commissioners and the ADA Task Force

Department	Commissioner	ADA Coordinator
Statewide	Clark Bishop	Jason Burke
Administration	Becky Hultberg	Camille Brill
Commission on Postsecondary Education	Diane Barrans	Worth Barthel
Commerce, Community and Economic Development	Susan K. Bell	Ed Carrillo
Corrections	Joe Schmidt	Timothy Lyden
Education and Early Development	Mike Hanley	Anna Kim
Environmental Conservation	Larry Hartig	Deborah Pock
Fish and Game	Cora Campbell	Jeff Hoover
Office of the Governor		Mary Stewart-Etheridge
Health and Social Services	William J. Streuer	Jennifer Klein
Labor and Workforce Development	Clark Bishop	Corine Geldhof
Law	Atty. Gen. John J. Burns	Sheila Bugbee
Legislative Affairs Agency		Skiff Lobaugh
Military and Veterans Affairs	Maj. Gen. Thomas H. Katkus	Jolund Luther
Natural Resources	Daniel S. Sullivan	Jonathan Katchen
Public Safety	Joseph A. Masters	Cheri Cadiente
Revenue	Bryan Butcher	Jerry Burnett
Transportation	Marc A. Luiken	Jon Dunham

STATE OF ALASKA

AMERICANS WITH DISABILITIES ACT COMPLIANCE PROGRAM

SEAN PARNELL, GOVERNOR

801 West 10th Street, Suite A
Juneau, AK 99801-2814
Phone: (907) 465-6929
Fax: (907) 465-2856
Toll-Free V/TTY: (800) 478-2815

MEMORANDUM

TO: Commissioners (see attached)
Division ADA Coordinators
Technology Management Council (see attached)
Communications Coordinators

DATE: July 20, 2011

CC: Becky Hultberg, Chief Information Officer
Pat Shier, Director, Division of Enterprise
Technology Services
Cheryl Walsh, Director, Division of Vocational
Rehabilitation

FROM: ADA Task Force (see attached)
Jason Burke State ADA Coordinator /s./

SUBJECT: Web Access Reviews

During Fiscal Year 2011 the ADA program contracted with the Alaska Center for the Blind and Visually Impaired to perform assessments of state websites for accessibility and usability. The Center engaged end-users who experience various types of disabilities to provide initial reviews. Web professionals with the Center then performed technical assessments to identify usability barriers per the Web Content Accessibility Guidelines 2.0 Level A, WCAG 2.0 Level AA and other principles and standards. Attached are the results for each department along with the methodology used.

This review provides a baseline for state agencies to assess accessibility of websites with input from members of the disability community. It reflects standards accepted by web professionals and adopted by the ADA Task Force. Agencies should continue to engage end-users and experts to maximize web usability for employees and the public.

Thanks to our collaborative efforts state websites have improved significantly during the past four years. The task force would especially like to recognize agency webmasters, the Internet Services Functional Workgroup, the State Web Access Team, the Center for the Blind and Visually Impaired, and the University of Alaska Anchorage Disability Support Services for their dedicated efforts.

Alaska's web access community is expanding with participation from public, nonprofit and private agencies and web and communications professionals. All realize the value of usability and universal design. If you are interested in learning more or would like a targeted overview of the web access project, please contact Jason Burke, State ADA Coordinator, at 465-6929 or jason.burke@alaska.gov. The next web access workshop begins on August 2nd as a preconference to the [Midnight Sun Assistive Technology Conference in Anchorage](#).

Attachments: Distribution
Web Access Workshop Flyer
Site Reviews

Attachment – Web Access Review Memo

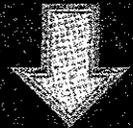
Commissioners, ADA Task Force, Technology Management Council

Department	Commissioner	ADA Coordinator	IT Manager
Statewide	Clark Bishop	Jason Burke	Pat Shier
Administration	Becky Hultberg	Camille Brill	Jeff Milton
Commission on Postsecondary Education	Diane Barrans, Exec. Dir.	Worth Barthel	Kenneth Dodson
Commerce, Community and Economic Development	Susan K. Bell	Ed Carrillo	Adam Paulick
Corrections	Joe Schmidt	Timothy Lyden	Joe Butler
Education and Early Development	Mike Hanley	Anna Kim	Bob Heflin
Environmental Conservation	Larry Hartig	Deborah Pock Stacie Bentley	Greg Light
Fish and Game	Cora Campbell	Jeff Hoover Stacie Bentley	Carmine DiCostanzo
Office of the Governor		Mary Stewart-Etheridge	Kami Clark
Health and Social Services	William J. Streuer	Jennifer Klein Dallas Hargrave	Tim Banaszak
Labor and Workforce Development	Clark Bishop	Thomas W. Nelson	Paul Hegg
Law	Atty. Gen. John J. Burns	Sheila Bugbee	Dave Seng
Legislative Affairs Agency		Skiff Lobaugh	Curtis Clothier
Military and Veterans Affairs	Maj. Gen. Thomas H. Katkus	Jolund Luther	Lonnie Leibbrand
Natural Resources	Daniel S. Sullivan	Trevor Fulton	Jay McCoy
Public Safety	Joseph A. Masters	Cheri Cadiente	Alden Larrabee
Revenue	Bryan Butcher	Jerry Burnett	Scott Manchee
Transportation	Marc A. Luiken	Jon Dunham	George Crowder
Enterprise Technology Services	Becky Hultberg	John Eric Essary	John Monagle

Equal opportunity employer/program.
Auxiliary aids and services are available upon request to individuals with disabilities.

SELF-EVALUATION

SERVICES, POLICIES,
AND PRACTICES

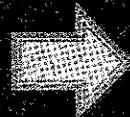
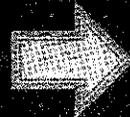


EMPLOYMENT

NONDISCRIMINATION
IN PROGRAMS AND
ACTIVITIES

EFFECTIVE
COMMUNICATIONS

PROGRAM AND
FACILITY
ACCESSIBILITY



ACTION
STEPS

TRANSITION
PLAN



1. AREAS EXAMINED
2. PROBLEMS IDENTIFIED
3. MODIFICATIONS TO BE MADE
4. LIST OF PERSONS CONSULTED



1. PHYSICAL OBSTACLES IDENTIFIED
2. DETAILED DESCRIPTION OF METHODS TO BE USED FOR MAKING FACILITY ACCESSIBLE
3. SCHEDULE FOR TAKING NECESSARY STEPS INCLUDING FOR CURB RAMPS, ETC.
4. OFFICIAL RESPONSIBLE

ADA Self Evaluation FY 11-12

3. ADA Coordination and Planning Efforts

As directors and/or ADA coordinators you are responsible for ensuring people with disabilities can access state jobs and services, and that people are not discriminated against on the basis of disability. ADA implementation involves ongoing planning. Having a plan shows steps toward compliance. This section identifies planning activities you undertake with the state ADA compliance program and in coordination with functional areas.

Please continue to complete this survey through the next four sections on complaints, training, office moves and promising practices. You may also elect to complete the entire survey to assess the level of compliance provided by functional areas.

1. Please indicate whether your division or department has planning efforts to implement the ADA in the following areas:

	Yes	No	Don't Know
Providing notice about disability resources and obligations (e.g., annual e-mail to employees and the public, ADA policy posters in facilities, employee handbooks and manuals, public service announcements, etc.).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Coordinating disability-related activities among functional leads (holding regular meetings with human resource professionals, program leads, facility managers, etc., on disability issues, policy reviews, training, etc.).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Liaison with other agencies (e.g., projects that promote access across programs, coordinated training).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Gauge employee performance on disability access and compliance (e.g., received training specific to functional areas and took proactive steps to implement accessibility requirements effectively).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Training (especially for managers, supervisors and frontline staff re: disability etiquette, how to apply the current standards specific to their functional area, how to identify and refer reasonable accommodation requests, how to make electronic communications accessible, etc.).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Providing effective communication for employees and the public (policy, training, inventory of resources and devices, agreements with sign language interpreters, virtual remote interpreting).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Training employees about ergonomics and assistive technology (how to set up their workstation, public workstations, and use free/low cost technologies that improve usability).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Reviewing policy, practice, and procedure for potential impacts on people with disabilities (mainly whether someone is being screened in or out on the basis of disability with respect to 2010, 2011 and 2012 regulatory revisions).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Information Communication Technology (providing access to online information and services consistent with the Web Content Accessibility Guidelines, on internal and public-facing content).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Barrier removal in state-owned and leased facilities (plan that identifies barriers and sets priorities for removal with input from the disability community; provides alternate program access where needed, is up-to-date with 2012 standards).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Budgeting for reasonable accommodations (e.g. centralized accommodation resources and fund).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Workplace accessibility and compliance (improving accessibility of workplace, providing productivity enhancements, managing reasonable accommodations, and complaint resolution).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Emergency preparedness (designated building and program contacts, notice and communication with people with disabilities, planning to provide alternate access and assistance, shelter accessibility).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Monitoring of contractual relationships for ADA compliance, such as those under procurements and grants, agreements, and services provided for state agencies (checklist that reviews planning and compliance with ADA requirements for employment and services).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Comments



Module VIII: Title I Employment

Fact Sheet on the ADA
JAN Interactive Process Chart

Materials available on www.Alaska.gov/ADA

- Reasonable Accommodation
- Human Resource
- Reasonable Accommodation Resources
- ADA Coordinator Resources

...[T]he determination of disability should not require extensive analysis.

- Fact Sheet on the ADA Implementing Regulations.

Fact Sheet on the EEOC's Final Regulations Implementing the ADAAA

The ADA Amendments Act of 2008 (ADAAA) was enacted on September 25, 2008, and became effective on January 1, 2009. The law made a number of significant changes to the definition of “disability” under the Americans with Disabilities Act (ADA). It also directed the U.S. Equal Employment Opportunity Commission (EEOC) to amend its ADA regulations to reflect the changes made by the ADAAA. The EEOC issued a Notice of Proposed Rulemaking (NPRM) on September 23, 2009. The [final regulations](#) were approved by a bipartisan vote and were published in the Federal Register on March 25, 2011.

In enacting the ADAAA, Congress made it easier for an individual seeking protection under the ADA to establish that he or she has a disability within the meaning of the statute.

Congress overturned several Supreme Court decisions that Congress believed had interpreted the definition of “disability” too narrowly, resulting in a denial of protection for many individuals with impairments such as cancer, diabetes, and epilepsy. The ADAAA states that the definition of disability should be interpreted in favor of broad coverage of individuals.

The EEOC regulations implement the ADAAA -- in particular, Congress's mandate that the definition of disability be construed broadly. Following the ADAAA, the regulations keep the ADA's definition of the term “disability” as a physical or mental impairment that substantially limits one or more major life activities; a record (or past history) of such an impairment; or being regarded as having a disability. But the regulations implement the significant changes that Congress made regarding how those terms should be interpreted.

The regulations implement Congress's intent to set forth predictable, consistent, and workable standards by adopting “rules of construction” to use when determining if an individual is substantially limited in performing a major life activity. These rules of construction are derived directly from the statute and legislative history and include the following:

- **The term “substantially limits” requires a lower degree of functional limitation than the standard previously applied by the courts** . An impairment does not need to prevent or severely or significantly restrict a major life activity to be considered “substantially limiting.” Nonetheless, not every impairment will constitute a disability.
- **The term “substantially limits” is to be construed broadly** in favor of expansive coverage, to the maximum extent permitted by the terms of the ADA.
- The determination of whether an impairment substantially limits a major life activity **requires an individualized assessment**, as was true prior to the ADAAA.
- With one exception (“ordinary eyeglasses or contact lenses”), the determination of whether an impairment substantially limits a major life activity shall be made **without regard to the ameliorative effects of mitigating measures**, such as medication or hearing aids.
- **An impairment that is episodic or in remission is a disability** if it would substantially limit a major life activity when active.
- In keeping with Congress's direction that the primary focus of the ADA is on whether discrimination occurred, **the determination of disability should not require extensive analysis**.

As required by the ADAAA, the regulations also make it easier for individuals to establish coverage under the “regarded as” part of the definition of “disability.” As a result of court interpretations, it had become difficult for individuals to establish coverage under the “regarded as” prong. Under the ADAAA, the focus for establishing coverage is on how a person has been treated because of a physical or mental impairment (that is not transitory and minor), rather than on what an employer may have believed about the nature of the person's impairment.

The regulations clarify, however, that an individual must be covered under the first prong (“actual disability”) or second prong (“record of disability”) in order to qualify for a reasonable accommodation . The regulations clarify that it is generally not necessary to proceed under the first or second prong if an individual is not challenging an employer’s failure to provide a reasonable accommodation.

The final regulations differ from the NPRM in a number of ways. The final regulations modify or remove language that groups representing employer or disability interests had found confusing or had interpreted in a manner not intended by the EEOC. For example:

- Instead of providing a list of impairments that would “consistently,” “sometimes,” or “usually not” be disabilities (as had been done in the NPRM), the final regulations provide the nine rules of construction to guide the analysis and explain that by applying those principles, **there will be some impairments that virtually always constitute a disability.** The regulations also provide examples of impairments that should easily be concluded to be disabilities, **including epilepsy, diabetes, cancer, HIV infection, and bipolar disorder.**
- **Language in the NPRM describing how to demonstrate that an individual is substantially limited in “working” has been deleted from the final regulations and moved to the appendix** (consistent with how other major life activities are addressed). The final regulations also retain the existing familiar language of “class or broad range of jobs” rather than introducing a new term, and they provide examples of individuals who could be considered substantially limited in working.
- **The final regulations retain the concepts of “condition, manner, or duration”** that the NPRM had proposed to delete and explain that while consideration of these factors may be unnecessary to determine whether an impairment substantially limits a major life activity, they may be relevant in certain cases.

The Commission has released two Question-and-Answer documents about the regulations to aid the public and employers – including small business – in understanding the law and new regulations. The ADAAA regulations and accompanying Question and Answer documents are available on the EEOC website at www.eeoc.gov.

Interactive Process Flowchart

Source: Job Accommodation Network Guide to Reasonable Accommodation



Appendix

Resources, Tools, and Checklists

- Contacts
- Office Ergonomics Aid
- Inquiry Log
- Essentials of Web Accessibility
- Maintenance of Accessible Facilities
- ADA Compliance Considerations for Accessible Programs and Workplaces



Disability Rights Technical Assistance

State ADA Coordinator's Office

Website: www.alaska.gov/ADA

Voice/TTY: 907-465-6929

State of Alaska Equal Employment Opportunity Program

Website: <http://doa.alaska.gov/dop/eoo/>

Voice: 907-375-7700

Alaska Relay: 7-1-1 OR 1 (800) 770-8973

U.S. Department of Justice

Website: www.ada.gov

Information line:

800 - 514 - 0301 (voice)

800 - 514 - 0383 (TTY)

U.S. Equal Employment Opportunity Commission

Website: www.eeoc.gov

Voice: 1-800-669-4000

TTY: 1-800-669-6820

Job Accommodation Network

Website: www.askjan.org

Helpline: (800)526-7234

TTY: (877)781-9403

ADA Technical Assistance Centers

Website: www.adata.org

Voice/TTY: 800-949-4232

U.S. Access Board

Website: www.access-board.gov

Voice: (800) 872-2253

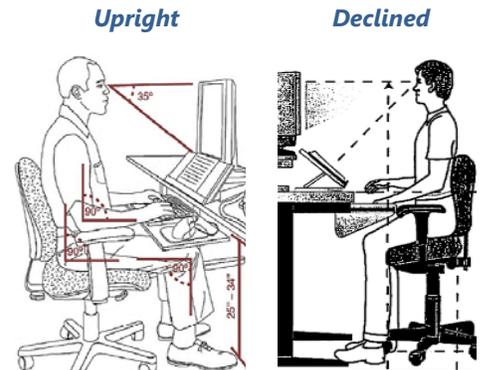
TTY: (800) 993-2822

Make your workstation work for you!

Consult a health or ergonomics professional for individual needs.

Neutral Postures in Office Environments

Neutral postures can make workstations more comfortable by minimizing stress on the musculoskeletal system. Although each office worker's needs are different, experts usually recommend the two arrangements to the right. The "upright" position shows the seat and keyboard tray horizontal to the floor, whereas the "declined" position tilts them forward at a negative slope. A worker can also achieve neutral postures while standing using similar desktop/keyboard arrangements. A reclining position may be used with the keyboard tray flat or at a slight incline.



Ergonomic Settings, Exercises and Resources

Chair

Adjust chair height to keep feet flat on the floor or on a foot rest.

Adjust back height to support lumbar and curve of the spine.

Slide seat pan to a couple inches behind the knee.

Tilt back 100°-110° to keep an upright, but slightly reclined posture.

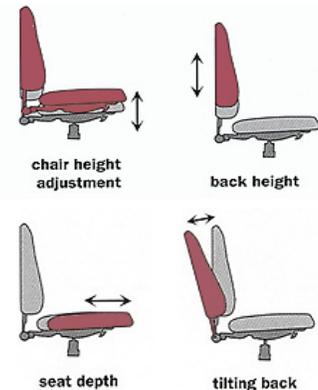
Set arm rests to elbow height. Retract or remove them if they restrict movement.

Positions – When:

Upright, keep the seat horizontal to the floor.

Declined, raise the chair a few inches and slope the seat forward about 8°.

Reclining, recline the seat back 10°-20° and extend feet slightly. Avoid neck strain.



Desk

Set about an inch or two below bent elbows. If desk height is fixed, try elevating your seat by

- using a declined position, or
- raising the chair height and using a foot rest.

Monitor

Angle perpendicular to sunlight or adjust blinds.

Favor one monitor and use the other less frequently.

Center on body.

Set top of screen at eye level.

Keyboard and Mouse

Set keyboard tray at elbow height on tray or desk.

Move keypad to center of body (use the "B" key).

Retract lifts ("feet").

Angle tray forward 5-10° for ideal setup. Or use flat setup.

Rest wrists lightly on a wrist rest when not typing.

Place mouse on same surface as keyboard.

Switch hands when mousing to reduce stress.

Peripherals

Place most used items within reach.

Wear headset while on the phone for long periods.

Set document holder in front of the monitor at a 35° angle, or alongside the monitor.

Organize reference materials for easy access.

Store items with adequate maneuvering space, inside pull-out drawers or on shelves. Place heavier items lower.

Exercises

(Consult a health care professional before attempting exercises.)

Perform every 20 minutes to one hour:

Look away from the monitor into the distance.

Vary tasks and seating positions to avoid repetition.

Stretch using shoulder shrugs, neck rolls, ankle rotations, leg and arm extensions, hand-shakes, & finger spreads.

Remember to keep an upright posture with shoulders back.

Relax and/or stand briefly to relieve hands, posture, etc.

Resources

[State ADA Coordinator's Office](#)

[Occupational Safety and Health Administration](#)

[National Institute for Occupational Safety and Health](#)

[Job Accommodation Network](#)

[Computer/Electronics Accommodation Program](#)

[USDA Target Center](#)

[Washington State Department of Labor and Industries](#)

[Cornell University Ergonomics Web](#)

Supplement to Office Ergonomics Job-Aid

Please consider the following *principles* when purchasing ergonomic and technology products.

- *Ensure* accessibility and reasonable accommodation as required. Promote universal design.
- *Explore* options with the user, who usually knows what works best. Try not to make assumptions.
- *Compare* costs and features on ergonomics products for fit and functionality.

Chairs

- Buy a *fully adjustable* chair with a backward **and** forward tilt feature.
- *Fit* the chair to the person's body type. Try out options first if possible.
- Men and women may require different types of chairs.

Monitor/Arm

- One large single monitor may relieve the stress of looking at two monitors (e.g., 27 inch).
- A monitor arm with a wider range may be used from a standing position at a fixed desk.

Keyboard Tray

- Consider one that allows negative slope, a backstop, room for a mouse.
- A tray with a wide range of motion may be used from a seated or standing position (e.g., 8 in. below/above desk).

Mouse

Explore options to minimize shoulder rotation, such as a roller mouse, trackball, or touchpad.

Headsets

Ensure compatibility with person, phone system, and voice recognition software.

Other Technology

Customize usability settings in [Windows](#) on the person's PC and/or laptop. Consider preferences for specific technologies, such as applications for devices, screen readers, magnifiers, voice recognition software, monitors, videophones, assistive listening devices, alternative lighting, air purifiers, noise reduction tools, keyboards and organizers. [Alaska.gov/ADA](#) provides resources that improve communication and accommodation.

Consultation

Contact your ADA coordinator or a human resource professional for referrals to resources in your area. Specialists may include:

- State ADA Coordinator's Office
- Physical or Occupational Therapists
- Ergonomists and technology specialists
- Medical professionals (e.g., medical doctor, nurse practitioner, chiropractor)
- Retailers of ergonomics products or technologies
- In-house staff who are trained to provide ergonomics or technology assessments
- Retailers of office furniture, equipment, or supplies.

ADA Compliance Program Inquiry Record

1. Date: _____ Time: _____ Duration: _____
2. Inquirer: _____ Employee Citizen Other:
3. Address: _____
Phone(s): _____ E-mail: _____ In-person
4. Law, Subcategory, Area
- Law** Title I (AS 18.20.220) Title II (AS 18.20.225) Title III (AS 18.20.230) 504 (AS 18.20.225) Other Law:
- Sub** Non-state employment Employment Program State Service Provider Contractor Building Code (13 AAC05.020(66))
- Area** Employment Facilities Transit Education Health Housing
- Other Subgroup and/or Area: _____
5. Department: n/a DOA DCED DEED DFG DHHS DMVA DNR DOC
DOL DOLWD DOTPF DPS GOV LT GOV OTHER:
6. Name of Organization: _____
7. Summary of Inquiry (attach if needed) See File
8. Timelines n/a
Date of alleged incident: _____ Continuing? Yes No
Filing days left under 129: _____ Advised of file times and info? Yes No n/a
Filed with: ASCHR EEOC USDOJ Other Agency:
EEO Program Complaint: Potential Filed Other Program:
9. Remedy or Resolution n/a
- Technical assistance
 - Provide access or accommodation
 - Review target agency action
 - Mediate with agency
 - Provide training
 - Make whole
 - Other: _____
10. Follow up Actions/Referrals n/a
- Referral to target agency
 - Referral to non-state agency
 - Respond after review
 - Meet with inquirer
 - Coordinate meetings
 - Coordinate resolution
 - Other: _____

Essential Components of Web Accessibility

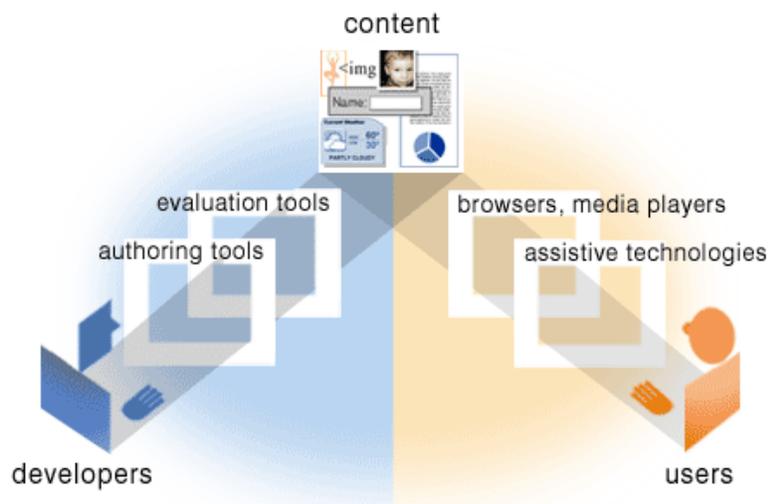
This document shows how Web accessibility depends on several components working together and how improvements in specific components could substantially improve Web accessibility. It also shows how the WAI guidelines address these components.

Introduction

It is essential that several different components of Web development and interaction work together in order for the Web to be accessible to people with disabilities. These components include:

- **content** - the information in a Web page or Web application, including:
 - natural information such as text, images, and sounds
 - code or markup that defines structure, presentation, etc.
- **Web browsers, media players, and other "user agents"**
- **assistive technology**, in some cases - screen readers, alternative keyboards, switches, scanning software, etc.
- **users'** knowledge, experiences, and in some cases, adaptive strategies using the Web
- **developers** - designers, coders, authors, etc., including developers with disabilities and users who contribute content
- **authoring tools** - software that creates Web sites
- **evaluation tools** - Web accessibility evaluation tools, HTML validators, CSS validators, etc.

How the Components Relate



Web **developers** usually use **authoring tools** and evaluation tools to create Web **content**.

People ("users") use Web **browsers, media players, assistive technologies, or other "user agents"** to get and interact with the **content**.

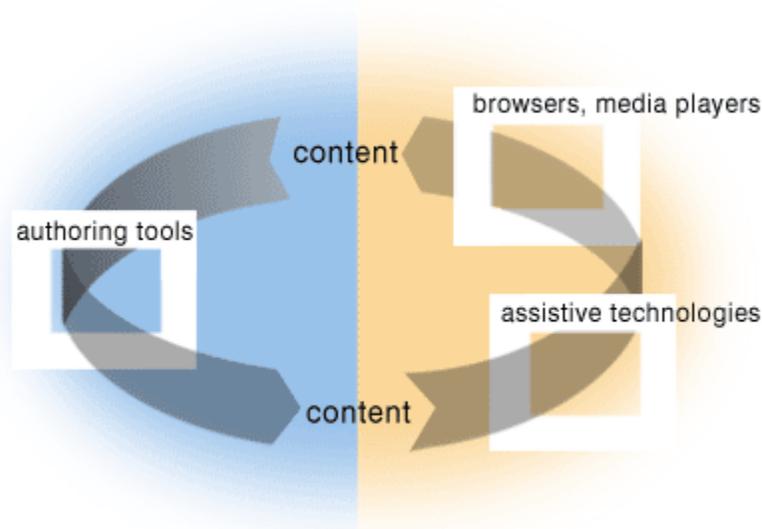
Interdependencies Between Components

There are significant interdependencies between the components; that is, the components must work together in order for the Web to be accessible. For example, for alternative text on images:

- **Technical specifications** address alternative text (for example, HTML defines the alternative text attribute (alt) of the image element (img))
- **WAI guidelines** - WCAG, ATAG, and UAAG, [described below](#) - define how to implement alternative text for accessibility in the different components
- **Developers** provide the appropriate alternative text wording
- **Authoring tools** enable, facilitate, and promote providing alternative text in a Web page
- **Evaluation tools** are used to help check that alternative text exists
- **User agents** provide human and machine interface to the alternative text
- **Assistive technologies** provide human interface to the alternative text in various modalities
- **Users** know how to get the alternative text from their user agent and/or assistive technology as needed

The Implementation Cycle

When accessibility features are effectively implemented in one component, the other components are more likely to implement them.



- When **Web browsers, media players, assistive technologies, and other user agents** support an accessibility feature, users are more likely to demand it and developers are more likely to implement it in their **content**.
- When developers want to implement an accessibility feature in their **content**, they are more likely to demand that their **authoring tool** make it easy to implement.
- When **authoring tools** make a feature easy to implement, developers are more likely to implement it in their **content**.
- When an accessibility feature is implemented in **most content**, developers and users are more likely to demand that **user agents** support it.

When One Component is Weak

If an accessibility feature is not implemented in one component, there is little motivation for the other components to implement it when it does not result in an accessible user experience. For example, developers are unlikely to implement an accessibility feature that authoring tools do not support and that most browsers or assistive technologies do not implement consistently.

If one component has poor accessibility support, sometimes other components can compensate through "work-arounds" that require much more effort and are not good for accessibility overall. For example,

- developers can do more work to compensate for some lack of accessibility support in authoring tools; for example, coding markup directly instead of through a tool
- users can do more work to compensate for some lack of accessibility support in browsers, media players, and assistive technology and lack of accessibility of content; for example, using different browsers or assistive technologies to overcome different accessibility issues

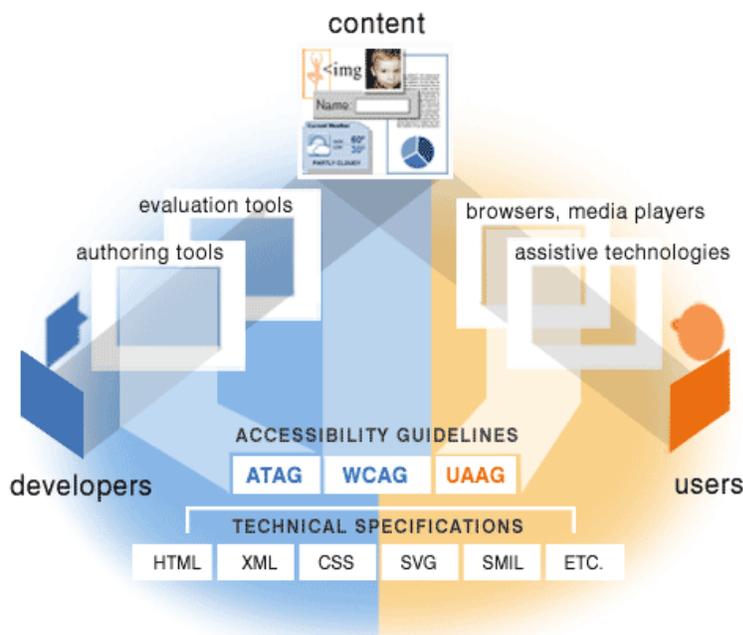
However, in most cases the works-arounds are not implemented and the result is still poor accessibility. Additionally, sometimes poor accessibility support in one component cannot be reasonably overcome by other components and the result is inaccessibility, making it impossible for some people with disabilities to use a particular Web site, page, or feature.

Guidelines for Different Components

The World Wide Web Consortium ([W3C](http://www.w3.org)) Web Accessibility Initiative ([WAI](http://www.w3.org/WAI)) develops **Web accessibility guidelines** for the different components:

- [Authoring Tool Accessibility Guidelines \(ATAG\)](#) addresses authoring tools
- [Web Content Accessibility Guidelines \(WCAG\)](#) addresses Web content, and is used by developers, authoring tools, and accessibility evaluation tools
- [User Agent Accessibility Guidelines \(UAAG\)](#) addresses Web browsers and media players, including some aspects of assistive technologies

WAI guidelines are based on the fundamental technical specifications of the Web, and are developed in coordination with [W3C technical specifications](#) (HTML, XML, CSS, SVG, SMIL, etc.).



Adapted from the Web Accessibility Initiative: <http://www.w3.org/WAI/intro/components.php#intro>

Checklist for Maintaining Accessible Facilities

Accessible features must be maintained in operable working order. Isolated or temporary interruptions due to maintenance or repairs are not prohibited, but a public entity should take steps to ensure that these are only temporary.

Parking, Interior & Exterior Accessible Routes:

- Make sure accessible parking spaces are occupied only by eligible users.
- Keep accessible parking access aisles clear.
- Ensure that drop-off areas and loading zones are not blocked by service and short term delivery vehicles and vendors.
- Keep curb ramps clear of obstructions, e.g. snow, pooling water, etc.
- Keep walks, sidewalks and ramps that are part of the required accessible route free of debris and abrupt level changes.
- Keep landscape elements trimmed, e.g., low-hanging tree branches, bushes extending into the required accessible route.
- Maintain slip resistance of accessible routes at all times.
- Check structural strength of handrails and guardrails at stairs and ramps periodically.
- Maintain circulation paths that are free of protruding objects.
- Maintain clear headroom of at least 80" in all circulation paths.
- Maintain 36" min. wide clear accessible routes between furniture, boxes and other obstructions.
- Maintain accessible routes to stages and performing areas.
- Do not block accessible routes or access aisles with maintenance vehicles, equipment or supplies.
- Keep construction and maintenance projects from blocking accessible routes or make provision for alternate routes.
- Periodically check accessible doors for proper operating forces and closing speed.
- Check door thresholds periodically to verify that they have not been damaged or have not become tripping hazards.

Elevators and lifts:

- Keep areas under call buttons free of obstructions.
- Verify consistent voice-free operation of emergency communications devices.
- Maintain automatic reopening devices in working order.
- Periodically check cab arrival notification systems and door closure timing.
- Insure that the cab floor and building floor are flush.

Toilet rooms:

- Make certain that the accessible toilets are available during all times that the facility is open.
- Keep trash cans and other obstructions out of turning spaces and clear floor spaces at accessible elements.
- Keep coat hooks in accessible stalls in accessible locations.
- Keep accessible dispensers (including for toilet paper and paper towels) stocked and functional.

- If paper towel or toilet paper is provided by a new vendor, new dispensers may be provided and these must be located in keeping with accessibility standards, e.g., they must be within reach range, must not block grab bars and must not protrude into circulation areas
- Maintain insulation on water supply and drain pipes under accessible lavatories.
- Where self-closing faucets are used, maintain timers to keep water flowing for at least 10 seconds after activation.
- Check structural strength of grab bars, tub and shower seats periodically.
- Check shower heads in accessible showers to assure they stay operable and within maximum reach ranges.

Adapted from Georgia Accessibility Manual. 2011

ADA Compliance Considerations for Accessible Programs and Workplaces

The following criteria will help state agencies consider how facility changes affect program and workplace accessibility. Actions for ADA coordinators are included as well as possible benefits and costs of compliance. These criteria are not all inclusive and should not be used as the final determination of whether programs and workplaces are accessible.

Criteria – Program Accessibility

- The Department of Justice recommends documenting existing conditions to show
 - What has been done and what the entity is about to do;
 - Before alterations occur, to document what is there.
- Program access depends on whether programs are accessible as a whole, when viewed in their entirety. It may include:
 - The types of facilities used and whether they were covered under the 1991 standard or the 2010 standard.
 - Types of programs provided, population served, where people find out about the program, and locations where the public accesses the program.
 - Physical obstacles within facilities that prevent program access.
 - Program features at inaccessible and accessible locations.
 - Distance between sites, travel times, number of sites, transportation.
 - Detailed description of methods used to make facility accessible.
 - Whether the program is held in the “most integrated setting” where
 - Persons with disabilities can participate fully in the activities of the program, service or activity without being segregated, or
 - Where the alternate method or location does not limit participation in public meetings and services.
 - The manner in which a program, service, or activity is delivered and whether facility changes will have the effect of defeating or substantially impairing its objective for people with disabilities.
- Program access may also depend on whether
 - The agency has a working plan that establishes priorities with the disability community for barrier removal at inaccessible facilities.
 - The program needs to go beyond minimum access requirements to ensure participation with people with disabilities.
 - A reduction in access would affect participation by using an alternate method or location.
 - Alterations comply with the 2010 standards.
 - If the space doesn’t allow full compliance then the agency must maximize accessibility to the extent possible for people with disabilities consistent with the 2010 standards.
 - Where equivalent facilitation is used to overcome barriers, it should provide greater accessibility.

2010 Criteria for Work Areas and Programs

Some Key Changes under the 2010 Standards

- If an agency is making an office move it might trigger the 2010 standards by
 - Installing modular furniture.
 - Creating new meeting space.
 - Redefining where “mixed” activities occur between programs and work areas.
- Alterations may create “assembly areas” under the 2010 standards, which require the installation of *assistive listening systems* in classrooms and meeting rooms.
- Alterations to *primary function areas* trigger *path of travel* requirements whereby up to 20 percent of the cost of the alteration must be applied to accessibility of *path of travel to the altered area restrooms, telephones, and water fountains* where applicable.
 - Under the revised standards 60 percent of entryways must be made accessible.
 - Path of travel to the altered area might include barrier removal at entrances and parking, which may trigger a different path of travel from employee parking through a work area to the primary function area.
 - Work areas are primary function areas. They need to be accessible to approach, enter, and exit (exceptions may apply). Modular furniture is not covered under the ADA but access throughout a modular area is.
- New requirements under the 2010 standards require facility planning for
 - Housing at places of higher education
 - Places of lodging
 - Detention and correctional facilities
 - Social service centers
 - Medical care facilities.

Actions for ADA Coordinators – with the State ADA Coordinator on the following:

- Engage programs in self-evaluations and determine program access according to the current and proposed changes, detailing barriers and alternate methods for making programs accessible.
- Supervise and/or prepare transition/facilities plans and schedule barrier removal *with input from the disability community*.
- Plan for continued/renewed reasonable accommodations for employees. Observe confidentiality requirements.
- Plan for training that ensures employees provide full participation of people with disabilities in the current/new/altered location, especially if it includes alternate methods of providing program access, such as the use of new procedures, equipment, assistance, or alternate sites for activities or meetings.
- Consider whether undue burden exists in making facility alterations, or whether it would cause a fundamental alteration in the way a program, service or activity is conducted:
 - Reduced budget for essential program activities.
 - Increased cost of administration due to more expensive methods of service delivery, e.g., outreach, aides, rental of alternate/accessible space.
 - Program practices and requirements.
 - Opportunity cost of moving into an inaccessible facility and using funds for upgrades.
 - Cost of new furniture and effective reasonable accommodations for employees.

Benefits of Accessible and Usable Service Areas and Workplaces

- Allows people with disabilities to be independent in using programs and workplaces, and this leads to a better personal experience and dignity.
- Benefits everyone, not only people with disabilities. It helps when people experience limitations, or when the same access helps for other reasons (e.g., curb cuts, auto doors, voice recognition). People are more able to participate in a variety of ways.
- Enhances employee productivity through improved performance of essential functions.
- Improves responsiveness to the public because employees and the public are less restricted by artificial/unnecessary barriers.
- Lower cost of retrofitting facilities if designed properly the first time, whether it has to do with the physical facility or what goes into it.
- Reduces cost of providing alternate program access and reasonable accommodations.
- Reduces cost of maintenance of accessible features like elevators and office equipment/technology that is universally designed (newer PCs, copiers, faxes, phones, other communications equipment include accessible features.)
- Creates an aware, skilled, responsive workforce that adjusts to changing needs of society, which includes older workers, returning service members with disabilities, and others who have varying abilities.

Costs of Compliance of Accessibility, Alterations and Office Moves

- Alterations that trigger the 2010 standards where safe harbors are not met.
 - Examination of safe harbors.
 - Path of travel.
 - Signage.
 - Assistive listening systems.
 - Accessible route/pedestrian access requirements.
 - New types of facilities.
- Expert fees.
- Loss of productive space while modifying a facility.
- Communicating with people with disabilities about new plans and locations.
- ADA accommodations, e.g. new environmental, ergonomics, and assistive technologies.
- General costs such as training on new program access issues, updating manuals and emergency preparedness plans.