

ADA Notice and Communication Guidance

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References

Americans with Disabilities Act Regulation, [28 CFR Part 35.106](#); [6 Alaska Administrative Code 65.010](#); [Administrative Order 129](#) and [262](#); Alaska Statute [18.80.255](#).

Purpose

To notify employees and the public of their rights and responsibilities under disability provisions of the Alaska Human Rights Act and Americans with Disabilities Act (ADA). Notice regarding the state's ADA policy informs applicants, employees, participants, beneficiaries, and other interested persons of their rights and protections under Administrative Orders 129 and 262. Ongoing communication through the ADA tagline enables people with disabilities to request auxiliary aids and services to participate in state jobs and services.

Overview

The state must notify individuals and entities that it is covered by the ADA, and that those provisions grant specific rights. Each state agency must use two distinct types of notification in particular circumstances:

- the “ADA” Notice
- the “ADA tagline” and related information.

“ADA” Notice

State Agencies must use the exact text of the ADA Notice that is provided in the state ADA policy (see policy poster online at <http://doa.alaska.gov/ada/resources/posters.html>). That text explains:

- the ADA requires nondiscrimination on the basis of disability
- how to request reasonable accommodations
- where and when to file a discrimination complaint.

28 C.F.R. Part 35 lists categories of individuals and entities that must receive the Notice. Examples of these categories include:

- Applicants/registrants
- Participants
- Applicants for employment / employees
- Unions and professional organizations
- Contractors
- Members of the public.

The ADA regulations, AO 129, and state policy require that the ADA Notice be distributed in specified ways, including, at a minimum:

- Prominent posting in each state facility and office
 - Internal memoranda, e-mail, and other communication methods
 - Employee handbooks, operating policies and procedures manuals
 - In writing to each participant, and making it part of the participant’s file
 - Providing a copy of AO 129 and 262 to all recruitment resources and labor unions that represent state employees
 - A copy of AO 129 and 262 to all managers and supervisors.
- Specific requirements for providing the Notice to persons with disabilities:
 - The Notice must be communicated to such persons as effectively as to persons without disabilities
 - the agency must give “primary consideration to the requests of the individual with disabilities” in determining what type of auxiliary aid and service is necessary
 - if the Notice is provided in an alternate format to a participant with a visual impairment, a record of that fact must be included in the participant’s file.

The ADA Notice should be disseminated to employees and the public on an annual basis with pertinent updates to the ADA compliance program.

“ADA Tagline” and related information

Specific information should be included in any materials, publications, or broadcasts (including websites) that explain the requirements for participation in employment, programs, services or activities.

- **Tagline.** Materials in this category – including the websites should include the exact text of the following tagline:

“auxiliary aids and services available upon request to individuals with disabilities”

- This category includes materials and information that are distributed by any method, including:
 - orally
 - in writing
 - electronically.
- It also includes materials and information that are distributed to:
 - staff
 - clients
 - contractors
 - applicants or bidders
 - the public at large.
- **Related information.** Materials and information in this category must include the ADA “tagline” and alternative contact numbers for persons with disabilities.
 - Agencies may add language to the above tagline to clarify its intent, such as:
 - Plain language, such as “if you need help due to disability, contact...”
 - Timelines for requests
 - Agency or program name
 - Equal opportunity taglines
 - Specific language for interested persons, such as applicants, bidders, and the public

- Statement regarding accessibility of electronic information and services
 - Types of aids and services that may be available
 - Indication of fragrance free policy, if applicable.
- ***Exception.*** The only exception to the requirement that the exact text be used is in cases in which the information is being published or broadcast by the news media, such as a newspaper or television or radio station. In those cases, the exact text of the tagline need not be used, as long as the essential information in each of the tag lines is accurately conveyed.
 - ***Alternative contact numbers.*** If the materials, publications, or broadcasts in the category described above include a telephone number for voice contact with the recipient, they must include an alternative telephone number for contact with the recipient through a TDD/TTY or relay service.

Resources

Please refer to the State's ADA website, www.Alaska.gov/ADA, provides current posters, technical assistance, and tools for effective communication.

Auxiliary aids and services available upon request to individuals with disabilities. Contact Jason Burke, State ADA Coordinator at 907.465.6929 (v/tty) or jason.burke@alaska.gov.